

**Exhibit “A”**

**Deposition of George R. Chapman**

<p>1 IN THE UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ALABAMA 3 JASPER DIVISION 4 GEORGE R. CHAPMAN, JR., 5 Plaintiff, 6 VS. CIVIL ACTION 7 NO. 6:09-cv-1748-SLB 8 WALKER COUNTY, ALABAMA, a 9 Governmental Entity; and SHERIFF 10 JOHN MARK TIREY and TRENTON 11 McCLUSKEY, Individuals, 12 Defendants. 13 DEPOSITION OF GEORGE CHAPMAN, JR. 14 STIPULATIONS 15 IT IS STIPULATED AND AGREED, by and 16 between the parties, through their respective 17 counsel, that the deposition of GEORGE CHAPMAN, 18 JR. may be taken before Scott Wilmeth, CCR, 19 RPR, State of Alabama at Large, at 2001 2nd 20 Avenue, Jasper, Alabama, on May 11, 2011, 21 commencing at 9:58 a.m. 22 IT IS FURTHER STIPULATED AND AGREED 23 that the reading and signature to the deposition by the witness is waived, said deposition to have</p>	<p>1 I N D E X 2 EXAMINATION BY: PAGE NO. 3 Ms. Dowdy----- 5 4 Mr. Saxon----- 101 5 Ms. Dowdy----- 113 6 Mr. Saxon----- 127 7 Ms. Dowdy----- 128 8 Mr. Saxon----- 128 9 Ms. Dowdy----- 129 10 Mr. Saxon----- 140 11 Ms. Dowdy----- 144 12 Mr. Saxon----- 147 13 Ms. Dowdy----- 148 14 15 E X H I B I T S 16 DEFENDANT'S EXHIBIT NO. MARKED 17 1 - 9-25-08 Letter from Tucker----- 28 18 2 - Memo----- 57 19 3 - 11-7-08 Letter from Tirey----- 70 20 21 22 23</p>
<p>1 the same force and effect as if full compliance 2 had been had with all laws and rules of court 3 relating to taking of depositions. 4 IT IS FURTHER STIPULATED AND AGREED 5 that it shall not be necessary for any objections 6 to be made by counsel as to any questions, except 7 as to form or leading questions, and that counsel 8 for the parties may make objections and assign 9 grounds at the time of the trial, or at the time 10 said deposition is offered in evidence, or prior 11 thereto. 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p>1 BEFORE: Scott Wilmeth, CCR, RPR 2 Commissioner 3 4 APPEARING ON BEHALF OF THE PLAINTIFF: 5 Mr. John D. Saxon 6 John D. Saxon, P.C. 7 2119 3rd Avenue North 8 Birmingham, Alabama 35203 9 10 APPEARING ON BEHALF OF THE DEFENDANT: 11 Ms. Kristi A. Dowdy 12 Law Offices of Kristi A. Dowdy 13 300 North Richard Arrington, Suite 200 14 Birmingham, Alabama 35203 15 16 ALSO PRESENT: Trenton McCluskey 17 18 19 20 21 22 23</p>

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1 I, Scott Wilmeth, CCR. RPR. State of  
2 Alabama at Large, acting as commissioner, certify  
3 that on this date, in accordance with the Federal  
4 Rules of Civil Procedure and the foregoing  
5 stipulations of counsel, there came before me at  
6 2001 2nd Avenue, Birmingham, Alabama, on May 11,  
7 2011, GEORGE CHAPMAN, JR., witness in the above  
8 cause for oral examination, whereupon the  
9 following proceedings were had:

10  
11 GEORGE CHAPMAN, JR.,  
12 having been first duly sworn, was examined and  
13 testified as follows:

14 THE COURT REPORTER: Usual  
15 stipulations?

16 MS. DOWDY: That's fine with me.  
17 MR. SAXON: Yeah.

18  
19 EXAMINATION BY MS. DOWDY:  
20 Q. Will you state your full name for  
21 the record, please, sir?  
22 A. George Roscoe Chapman, Jr.  
23 Q. Mr. Chapman, I introduced myself to

6

1 you earlier. I'm Kristi Dowdy. I represent  
2 the defendants in this lawsuit that you've  
3 filed against them.  
4 A. Okay.  
5 Q. Have you ever given a deposition  
6 before?  
7 A. No, ma'am, I haven't.  
8 Q. Okay. I'm just going to ask you a  
9 series of questions and I just need you to  
10 answer them out loud, if you can. If I ask you  
11 a question that doesn't make sense or that you  
12 don't understand, if you will please tell me,  
13 I'll try to repeat it. I promise you will not  
14 hurt my feelings.  
15 A. Okay.  
16 Q. Now, if you want to stop, take a  
17 break, just let me know, okay?  
18 A. Okay.  
19 Q. Where are you currently living, Mr.  
20 Chapman?  
21 A. I live in Jasper.  
22 Q. What's your address?  
23 A.

7

1 Alabama.  
2 Q. How long have you lived at that  
3 address?  
4 A. All my life.  
5 Q. Who lives there with you at that  
6 address?  
7 A. My mom, my dad and my brother.  
8 Q. Is this your mom and dad's house?  
9 A. Yes.  
10 Q. What are their names?  
11 A. I'm a junior, so my father's name is  
12 George, Sr. and my mom's name is Lois and my  
13 brother's name is Cedric.  
14 Q. How old are you, Mr. Chapman?  
15 A. I'm 37 years old.  
16 Q. What's your date of birth?  
17 A.  
18 Q. Do you have an Alabama driver's  
19 license?  
20 A. Yes, ma'am, I do.  
21 Q. Do you know your number?  
22 A.  
23 Q. What was the last grade you finished

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1 in school, Mr. Chapman?  
2 A. High school, 12th grade.  
3 Q. Did you complete the 12th grade?  
4 A. Yes, ma'am, I did.  
5 Q. Where did you go to high school?  
6 A. Walker High.  
7 Q. What year did you finish?  
8 A. 1994.  
9 Q. The Alabama driver's license you  
10 gave me the number awhile ago, has that ever  
11 been revoked?  
12 A. No, ma'am.  
13 Q. Do you have any restrictions on your  
14 driver's license?  
15 A. No, ma'am.  
16 Q. After you got out of high school,  
17 did you go to work?  
18 A. Yes, ma'am. I did.  
19 Q. Do you have any other education  
20 beyond high school?  
21 A. No, ma'am.  
22 Q. Any vocational training?  
23 A. No, ma'am.

<p>9</p> <p>1 Q. Where did you start work after you 2 got out of high school? 3 A. I went to work with my father and 4 them. They had a logging company. 5 Q. What logging company was that? 6 A. Chapman Brothers Logging. 7 Q. Chapman Brothers Logging? 8 A. Yes. 9 Q. Where is that located? 10 A. Here in Jasper. 11 Q. How long did you work for your dad? 12 A. Really, up until I started working 13 here. 14 Q. Which would have been what year? 15 A. I started here March 31st, 2006. 16 Q. So from 1994 to March of 2006, 17 Chapman Brothers Logging company was the only 18 place you worked? 19 A. Well, I also worked at Marshall 20 Durbin for awhile, brief period of time. 21 Q. Where is Marshall Durbin located? 22 A. It's three months. It's like 23 leaving the post office here, cross these</p>	<p>11</p> <p>1 A. I really don't remember, it's been 2 so long ago. 3 Q. Have you worked anywhere else, up 4 until the time you went to work for the jail, 5 other than for your dad and for Marshall 6 Durbin? 7 A. No. 8 Q. Okay. Are you currently employed? 9 A. Yes, I am. 10 Q. Where are you employed? 11 A. U.S. Security &amp; Associates. 12 Q. How long have you worked there? 13 A. It'll be a year next month. 14 Q. So June of 2010? 15 A. Right. 16 Q. What do you do for them? 17 A. I'm a security guard. 18 Q. Do you work in any particular place? 19 A. Yes, wherever they put me. 20 Q. Okay. So it's U.S. Security &amp; 21 Associates? 22 A. Uh-huh. 23 Q. Where are they located?</p>
<p>10</p> <p>1 tracks and just keep straight over this bridge 2 here and -- 3 Q. Is it still Walker County? 4 A. Yes, ma'am. 5 Q. That's a chicken plant; right? 6 A. Right. 7 Q. What did you do for Marshall Durbin? 8 A. I worked in the cooler, shipping and 9 receiving. 10 Q. You said you worked for them about 11 three months? 12 A. Yeah, about three to six months, I'd 13 say. 14 Q. Do you remember what year that would 15 have been? 16 A. Not exactly. Maybe '98, '99, 17 something like that. 18 Q. Is there any particular reason you 19 didn't work for them any longer than that? 20 A. Not really. It's just that they 21 didn't pay a whole lot. 22 Q. Did you quit that job or were you 23 terminated?</p>	<p>12</p> <p>1 A. Birmingham, but they have a home 2 office in Atlanta, Georgia. Well, actually, 3 Roswell, Georgia. 4 Q. So do they just place you in 5 different locations, Mr. Chapman? How does 6 that work? 7 A. Just wherever the guards are needed. 8 They contract guards out all over. 9 Q. Are you assigned to a particular 10 place for a specific period of time or -- 11 A. Well, right now I'm working at Jim 12 Walters, at a strip pit. 13 Q. Do you work 40 hours a week? 14 A. Not right now, I don't. Currently, 15 my hours is just being cut back to 36 hours, 16 because they're doing some changing around 17 right now, so they're not going to be able to 18 give everybody 40 hours. 19 Q. Up until your time just got cut, 20 were you working 40 hours a week? 21 A. Yes, I was. 22 Q. What are you making with -- as a 23 security guard?</p>

<p>13</p> <p>1 A. 8.60 an hour.</p> <p>2 Q. Has your pay changed in the last</p> <p>3 year?</p> <p>4 A. No.</p> <p>5 Q. Do you get any benefits?</p> <p>6 A. I have no medical insurance. I've</p> <p>7 got dental insurance and eye insurance.</p> <p>8 Q. They provide you with dental and</p> <p>9 eye, but no medical?</p> <p>10 A. Well, I signed up for it on-line and</p> <p>11 they said I didn't, so I don't know. It was</p> <p>12 some kind of discrepancy with it. I don't</p> <p>13 really like doing things on the computer. I'd</p> <p>14 rather, you know, fill it out hands-on, pen and</p> <p>15 paper, you know.</p> <p>16 Q. I'm of that generation too.</p> <p>17 A. Yeah.</p> <p>18 Q. Have you worked anywhere -- since</p> <p>19 leaving the Walker County Sheriff's Department,</p> <p>20 have you worked anywhere else other than as a</p> <p>21 security guard?</p> <p>22 A. No, ma'am.</p> <p>23 Q. With a security company?</p>	<p>15</p> <p>1 Q. Okay. Did you ever try to go to</p> <p>2 work through like a temporary employment</p> <p>3 service?</p> <p>4 A. No.</p> <p>5 Q. Did you work for your dad during</p> <p>6 that period of time?</p> <p>7 A. No, At that time, they had all the</p> <p>8 help they needed.</p> <p>9 Q. Your dad still owns the logging</p> <p>10 company?</p> <p>11 A. Yes.</p> <p>12 Q. Does your brother Cedric work for</p> <p>13 him?</p> <p>14 A. No.</p> <p>15 Q. Where does he work?</p> <p>16 A. He doesn't. He's disabled.</p> <p>17 Q. Is your mom employed?</p> <p>18 A. No.</p> <p>19 Q. Who does your dad own the logging</p> <p>20 company with?</p> <p>21 A. His two brothers.</p> <p>22 Q. Hence the name Chapman Brothers,</p> <p>23 huh?</p>
<p>14</p> <p>1 A. No, ma'am.</p> <p>2 Q. Did you apply for work anywhere</p> <p>3 else?</p> <p>4 A. Yes, I applied for several positions</p> <p>5 around here.</p> <p>6 Q. Where all did you apply?</p> <p>7 A. Jasper Lumber, Marshall Durbin</p> <p>8 again.</p> <p>9 Q. Anywhere else that you can recall?</p> <p>10 A. That's about it, I guess. Well, no,</p> <p>11 Taco Bell, I forgot.</p> <p>12 Q. Now, you left here in November of</p> <p>13 2008; is that right?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. So you did not work from November of</p> <p>16 2008 up until June of 2010?</p> <p>17 A. Right.</p> <p>18 Q. All right. Anywhere else that you</p> <p>19 can recall that you applied for work during</p> <p>20 that period of time?</p> <p>21 A. The current job that I've got now.</p> <p>22 Q. And those are the only four places?</p> <p>23 A. As far as I can remember.</p>	<p>16</p> <p>1 A. Yeah.</p> <p>2 Q. Who are his brothers?</p> <p>3 A. Larry and Willie.</p> <p>4 Q. Is that located here in Walker</p> <p>5 County, Mr. Chapman?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. How long have they had that</p> <p>8 business?</p> <p>9 A. Oh, some odd 50 years, I'd say, or</p> <p>10 more. Before I was born.</p> <p>11 Q. Okay. You started to work for the</p> <p>12 sheriff's department in March of 2006?</p> <p>13 A. March 31st, 2006.</p> <p>14 Q. And what were you hired to do?</p> <p>15 A. I was a jailer.</p> <p>16 Q. And were you hired part-time or</p> <p>17 full-time?</p> <p>18 A. Part-time.</p> <p>19 Q. How did you find out that there was</p> <p>20 a job opening?</p> <p>21 A. I had been trying to get on down</p> <p>22 here for awhile; newspaper.</p> <p>23 Q. So you saw an ad in the paper?</p>

<p>17</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Do you remember what paper it was?</p> <p>3 A. Daily Mountain Eagle.</p> <p>4 Q. Okay. As a part-time employee, what</p> <p>5 were your hours?</p> <p>6 A. I believe it was work four days and</p> <p>7 off three days, so it was, I think, 32 hours</p> <p>8 every two weeks, something like that, if I'm</p> <p>9 not mistaken.</p> <p>10 Q. Do you remember when you were hired,</p> <p>11 what your rate of pay was?</p> <p>12 A. 9.85.</p> <p>13 Q. How did you apply for the job with</p> <p>14 the sheriff's department?</p> <p>15 A. What do you mean?</p> <p>16 Q. Where did you go to apply for the</p> <p>17 job?</p> <p>18 A. Oh, at the Civil Service Board.</p> <p>19 Q. And then who hired you?</p> <p>20 A. Well, I guess that would be the</p> <p>21 sheriff. I mean --</p> <p>22 Q. Okay. Did you interview with the</p> <p>23 sheriff or did you interview with somebody?</p>	<p>19</p> <p>1 Q. And that's --</p> <p>2 A. 11:00 to 7:00.</p> <p>3 Q. Who else worked on that shift with</p> <p>4 you?</p> <p>5 A. You mean in the supervisor's role?</p> <p>6 Q. Well, the other jailers?</p> <p>7 A. Charles Hannah, Sharon Craven, Cindy</p> <p>8 Bond, Chris Kendrick, and Chris Kendrick was a</p> <p>9 sergeant, Frank McGhetti (phonetic spelling),</p> <p>10 Sergeant Frank McGhetti.</p> <p>11 Q. How long did you continue to work</p> <p>12 third shift?</p> <p>13 A. Probably at least the main two years</p> <p>14 that I was here, until recently, until they</p> <p>15 moved me to second shift.</p> <p>16 Q. Okay. Do you remember --</p> <p>17 A. I was full-time, though, when I</p> <p>18 moved to second shift at that time.</p> <p>19 Q. Okay. While you were part-time, you</p> <p>20 worked third shift?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Which is 11:00 to 7:00?</p> <p>23 A. Yes, ma'am.</p>
<p>18</p> <p>1 A. No, I interviewed with Mr.</p> <p>2 McCluskey.</p> <p>3 Q. Okay. And then you were hired?</p> <p>4 A. Yeah, then I was hired.</p> <p>5 Q. How did you find out that they were</p> <p>6 going to hire you to come to work?</p> <p>7 A. Well, I got a phone call.</p> <p>8 Q. Do you remember who called you?</p> <p>9 A. Mr. McCluskey.</p> <p>10 Q. All right. And you started working</p> <p>11 part-time as a jailer?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And did your job change at any point</p> <p>14 in time while you were here?</p> <p>15 A. No.</p> <p>16 Q. You were always a jailer?</p> <p>17 A. Right.</p> <p>18 Q. Okay. And who -- when you first</p> <p>19 started, who was your supervisor?</p> <p>20 A. Randy Brown, Lieutenant Randy Brown.</p> <p>21 Q. And what shift were you assigned to</p> <p>22 when you --</p> <p>23 A. Third shift.</p>	<p>20</p> <p>1 Q. The last time you worked third</p> <p>2 shift, was your supervisor still Lieutenant</p> <p>3 Brown?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Who was it?</p> <p>6 A. Well, we had an acting lieutenant.</p> <p>7 He hadn't really got the lieutenant position</p> <p>8 yet, Tommy Miller.</p> <p>9 Q. When did you become a full-time</p> <p>10 employee?</p> <p>11 A. It was around September 27th, I</p> <p>12 believe, somewhere around in there, the end of</p> <p>13 September of 2008.</p> <p>14 Q. How did you find out that there was</p> <p>15 a full-time position open?</p> <p>16 A. Well, I had taken the jailer's test</p> <p>17 again and I passed it, and so they go by your</p> <p>18 score and everything, and then you're put on</p> <p>19 the eligible register list and then they pull</p> <p>20 names off that.</p> <p>21 Q. When a job position becomes</p> <p>22 available?</p> <p>23 A. Yes, when a full-time position</p>

<p style="text-align: right;">21</p> <p>1 becomes available.</p> <p>2 Q. When a full-time position becomes</p> <p>3 available?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. So you were next in line for that, I</p> <p>6 guess, position?</p> <p>7 A. I assume I was.</p> <p>8 Q. Okay. And when you went to</p> <p>9 full-time, did your pay change?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. What were you making?</p> <p>12 A. Well, last thing when I worked here</p> <p>13 and I was full-time, I was making 12.60 an</p> <p>14 hour. Mr. McCluskey was the one that informed</p> <p>15 me that I would be going full-time.</p> <p>16 Q. Did you have other benefits?</p> <p>17 A. Well, I had just got medical</p> <p>18 insurance and all that good stuff and, you</p> <p>19 know, dental. And I don't know if they offered</p> <p>20 eye insurance in that health insurance package</p> <p>21 or not. They may have. I don't quite remember</p> <p>22 that. But it was a good medical package.</p> <p>23 Q. And you were not -- as a part-time</p>	<p style="text-align: right;">23</p> <p>1 Harbison.</p> <p>2 Q. Anybody else that you can think of?</p> <p>3 A. Ms. Mary Phillips.</p> <p>4 Q. When you were hired to work as a</p> <p>5 part-time jailer, did you attend any type of</p> <p>6 training classes or go to school?</p> <p>7 A. Oh, yes.</p> <p>8 Q. Which classes did you go to?</p> <p>9 A. I had to do a taser class, a pepper</p> <p>10 spray class, a baton class, I mean, just</p> <p>11 whatever they told us we had to do, you know.</p> <p>12 One other name that I omitted on there.</p> <p>13 Q. Who is that?</p> <p>14 A. Albert Steadman also worked with me</p> <p>15 on second shift.</p> <p>16 Q. Did you go to the jail management</p> <p>17 course?</p> <p>18 A. Yes, ma'am, I did.</p> <p>19 Q. When did you go to that?</p> <p>20 A. That was before I started here. We</p> <p>21 went out to Bevill State for about two weeks.</p> <p>22 We were paid for it, 40 hours a week, you know,</p> <p>23 and did two weeks of training out there.</p>
<p style="text-align: right;">22</p> <p>1 employee, you did not have those benefits</p> <p>2 available?</p> <p>3 A. Oh, no, no, not at all.</p> <p>4 Q. Okay. What time did second shift</p> <p>5 work?</p> <p>6 A. That would be 3:00 in the afternoon</p> <p>7 till 11:00 at night.</p> <p>8 Q. And when you were moved to second</p> <p>9 shift, who was your supervisor?</p> <p>10 A. That would be sergeant Rachel Harper</p> <p>11 and Lieutenant James Woodley, which Lieutenant</p> <p>12 Woodley is retired now.</p> <p>13 Q. Who else worked second shift with</p> <p>14 you?</p> <p>15 A. Tifney Clifton, Ms. Killingsworth,</p> <p>16 Mr. Hannah, I believe he was moved to that</p> <p>17 shift with me at that time too, Ms. Craven</p> <p>18 again.</p> <p>19 Q. Anybody else that you can recall?</p> <p>20 A. Yes, Ms. Monica Day. I'm trying to</p> <p>21 think. Oh, Nick Harbison, I think. I think</p> <p>22 that's his last name, Harbison. Maybe Harbin,</p> <p>23 Nick Harbin, I'm sorry. It's Harbin, not</p>	<p style="text-align: right;">24</p> <p>1 Q. And you took that class before you</p> <p>2 ever started as a jailer part-time here?</p> <p>3 A. Yes, ma'am, and that was taught by</p> <p>4 the Bureau of Prisons, the DOC, Lieutenant</p> <p>5 Steele and Sergeant Chester.</p> <p>6 Q. And then after you started, you</p> <p>7 would regularly have different classes that you</p> <p>8 would have to attend?</p> <p>9 A. Just taser classes and stuff like</p> <p>10 that and, you know, to recertify yourself, you</p> <p>11 know. I think we did that once a year. If you</p> <p>12 didn't go through the training, you wasn't</p> <p>13 allowed to carry a taser.</p> <p>14 Q. Right. Did y'all keep a taser on</p> <p>15 you while you worked in the jail?</p> <p>16 A. I didn't, not particularly. I mean,</p> <p>17 you know, I probably could have, but --</p> <p>18 Q. Was there a policy in place as to</p> <p>19 whether you could keep a taser gun with you</p> <p>20 while you were working as a jailer?</p> <p>21 A. Well, we could, I guess. I mean, we</p> <p>22 only had two, but I guess we could.</p> <p>23 Q. What other weapons would you keep</p>

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1 with you while you were working as a jailer?  
2 A. Just my stick and my pepper spray.  
3 Q. Okay. When you refer to your stick,  
4 is that a baton?  
5 A. Yeah, ASP baton, A-S-P baton. It's  
6 a little folding baton, you know, like to whip  
7 it out, you have to beat it on the ground, the  
8 concrete to make it go back in.  
9 Q. I didn't ask you this earlier, Mr.  
10 Chapman. I assume that since you're living at  
11 home, you're not married?  
12 A. No, ma'am.  
13 Q. Have you ever been married?  
14 A. No, ma'am.  
15 Q. Have you ever lived anywhere other  
16 than at home with your parents?  
17 A. No, ma'am.  
18 Q. Smart boy. When you took your  
19 management jail class work, did they train you  
20 in use of force?  
21 A. Well, they showed us some things, I  
22 mean, you know, like how to hit with it and  
23 stuff like that, I mean --

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1 Q. How to hit with what?  
2 A. With the baton.  
3 Q. Did they train you in any type of  
4 force continuum?  
5 A. Kind of describe to me what you mean  
6 by that.  
7 Q. Okay. Were you taught when it was  
8 appropriate to use certain types of force?  
9 A. I would say if I was in a situation  
10 where the inmate, you know, had me cornered or  
11 whatever or to subdue the inmate, to get him  
12 off of me, I mean, or whatever.  
13 Q. Were you taught that there were  
14 steps you were supposed to follow to protect  
15 yourself and the inmate?  
16 A. Well, I mean, if the inmate's  
17 aggressively fighting me, I'm trying to protect  
18 myself, you know, pretty much, I mean --  
19 Q. When you were taught your pepper  
20 spray class, did they tell you when it was  
21 appropriate to use pepper spray?  
22 A. Only for use of force, I mean, you  
23 know, like if someone was, you know, being

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1 aggressive with you in a manner of coming at  
2 you or something or whatever. I guess you  
3 would say pretty much if they're trying to do  
4 bodily harm to you, the inmate, on both  
5 occasions, baton or pepper spray.  
6 Q. What about the taser? When would  
7 you use it?  
8 A. Same thing. I wouldn't just go  
9 around beating nobody with a baton or just  
10 shooting somebody with a taser or just spraying  
11 somebody for no reason. I mean, you know, that  
12 would be ridiculous.  
13 Q. Which were you supposed to use  
14 first?  
15 A. I would use the pepper spray first,  
16 myself, because that would be the less most  
17 lethal, I mean, I guess you'd say, try to get  
18 them in the eyes and then, you know, if they  
19 can't see you, maybe subdue them and put the  
20 cuffs on them or whatever.  
21 Q. Now, when you became a full-time  
22 employee, was it your understanding that you  
23 would be on probation for a certain period of

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1 time?  
2 A. Yes, according to the letter I  
3 received.  
4 (Whereupon, Defendant's Exhibit  
5 Number 1 was marked for  
6 identification.)  
7 Q. (By Ms. Dowdy) Let me show you  
8 what's going to be marked as Defendant's  
9 Exhibit Number 1. Can you tell me what that  
10 is, please, sir?  
11 A. Yeah, I got a letter like that.  
12 Q. Is that a letter you got, Mr.  
13 Chapman, or that letter is addressed to you  
14 from the Civil Service Board, advising you that  
15 you were a probationary employee for a period  
16 of six months?  
17 A. According to the paper, that's what  
18 it says.  
19 Q. Okay. So in September of 2008, did  
20 you understand you were a probationary  
21 employee?  
22 A. Yes, but I was also a probationary  
23 employee when I was part-time too.



<p style="text-align: right;">29</p> <p>1 Q. Okay. Before you became a full-time 2 employee, had you had any incidents with any 3 inmates? 4 A. When you say incidents, what kind of 5 incidents do you mean? 6 Q. Had you had any verbal, I guess, for 7 lack of better words, altercations with an 8 inmate? 9 A. I'm going to put it to you like 10 this: I would say yes and sometimes no. I 11 mean, it depended on what kind of inmate you're 12 dealing with. 13 Q. Had you ever had an inmate accuse 14 you of doing anything wrong? 15 A. Yeah, I have. 16 Q. What were you accused of? 17 A. It was some investigation one time 18 where they had this particular inmate, he 19 said -- I think it was something that he's -- 20 what would you call it? I guess gay, bisexual, 21 whatever, and he made some comment about I 22 groped him or something. 23 Q. Do you remember when this was, Mr.</p>	<p style="text-align: right;">31</p> <p>1 physically trying to come at me, you know, so I 2 just struck him with my baton. 3 Q. Do you remember the name of the 4 inmate? 5 A. Daniel Ryan, I believe, Daniel Bryan 6 or something like that. 7 Q. Did anything happen as a result of 8 that incident with the inmate? 9 A. What do you mean? Like an 10 investigation or something? 11 Q. Uh-huh. 12 A. I believe there was an investigation 13 done. 14 Q. Who was the other officer you were 15 with when this happened? 16 A. Nick Harbin. 17 Q. And did Mr. Harbin use any type of 18 force on the inmate? 19 A. Not that I recall, except for just 20 helping me subdue him, you know. 21 Q. Did the inmate have to have any type 22 of medical treatment? 23 A. He may have, he may have, a few</p>
<p style="text-align: right;">30</p> <p>1 Chapman? 2 A. Not exactly, I don't. I mean, it's 3 been so long ago. 4 Q. Do you remember the name of the 5 inmate? 6 A. Not the particular inmate, but I do 7 remember his cellmate's name. 8 Q. Who was that? 9 A. His cellmate was George Bryant, but 10 I forget his name, the other guy. 11 Q. And an investigation was done? 12 A. Yes. 13 Q. Do you recall being cleared in that 14 investigation? 15 A. Right, I was cleared. 16 Q. Any other times that you can recall, 17 while you were part-time, where an inmate may 18 have accused you of doing something wrong? 19 A. Well, I had a particular incident 20 where an inmate tried to spit on me and kick me 21 in the chest as I entered his cell with another 22 officer and -- but in that instance, the inmate 23 was being aggressive with me and, you know,</p>	<p style="text-align: right;">32</p> <p>1 stitches, I mean, or something; not nothing 2 that I would say that was drastically, 3 seriously life threatening or nothing like 4 that. 5 Q. Was any type of investigation done? 6 A. Yes, ma'am. 7 Q. Do you recall what investigator 8 would have done that? 9 A. I don't know the investigator's 10 name, not at that particular incident, I 11 didn't. 12 Q. Do you recall what the result of the 13 investigation was? 14 A. I was cleared. 15 Q. And to the best of your 16 recollection, you struck this inmate with your 17 baton? 18 A. Yes. 19 Q. Where would you have hit the inmate? 20 A. The head, right across the forehead. 21 Q. Where are you trained to strike an 22 inmate with a baton? 23 A. Well, we're trained to aim for the</p>

<p style="text-align: right;">33</p> <p>1 knees and upper area (indicating), you know,  2 like knees, shoulders and upper mass.  3 Q. So somewhere between their shoulders  4 and their knees?  5 A. Yeah, like, you know, bone points,  6 like, you know.  7 Q. Like what? When you say, "you  8 know," you've got to help me.  9 A. Like your knees, you know, and upper  10 areas, your bone points, like your joints or  11 whatever, you know. I would think if you'd hit  12 a person in their knees, you know, that they  13 would pretty much fall, I mean, you know.  14 Q. Okay. I know that you're telling me  15 that's what you think, but when you take your  16 baton class and you're trained to use the  17 baton; correct?  18 A. Right.  19 Q. Okay. Where are you taught to  20 strike an individual?  21 A. That's what I just said.  22 Q. Okay.  23 A. I mean, upper torso and knee area</p>	<p style="text-align: right;">35</p> <p>1 just did not want to go to bed and settle down  2 at all or nothing, and so during my count, I  3 ended up encountering him and having to pepper  4 spray him and take him to the M-dorm.  5 Q. Any other incidents that you can  6 recall?  7 A. Let's see.  8 MR. SAXON: This is all before he  9 became full-time?  10 MS. DOWDY: Before he became  11 full-time.  12 A. Not that I can remember, I mean, not  13 that, you know --  14 Q. (By Ms. Dowdy) Nothing that stands  15 out in your mind?  16 A. Yeah, that encouraged an  17 investigation or anything like that.  18 Q. Was there an investigation after  19 this incident with Mr. Hinkle?  20 A. No, no, Mr. McCluskey, I called him  21 that particular night and he told me Mr. Hinkle  22 has been a problem ever since he's been in  23 Walker County Jail and just do my job and</p>
<p style="text-align: right;">34</p> <p>1 (indicating).  2 TRENTON MCCLUSKEY: Do you need some  3 water?  4 THE WITNESS: Thank you.  5 MS. DOWDY: Let's take a break real  6 quick.  7 (Whereupon, a recess was taken.)  8 Q. (By Ms. Dowdy) Okay. Mr. Chapman,  9 you told me about the incident with this one  10 inmate, Daniel Bryan. Do you recall there ever  11 being any other incidents before you became  12 a --  13 A. That was Daniel Ryan.  14 Q. Daniel Ryan?  15 A. Yes, ma'am.  16 Q. Okay. Any other incidents that you  17 can recall with inmates?  18 A. Yes, I had an incident with a  19 Tovarius Hinkle. He was an African-American  20 inmate, became very disruptive one night as I  21 was performing count. We have to do count.  22 When we come in the jail, we have to get a head  23 count. And he was disrupting head count and he</p>	<p style="text-align: right;">36</p> <p>1 handle it and everything will be fine.  2 I also informed Mr. McCluskey that  3 one of my co-workers told me, "Well, you really  4 can't, you know, do your job and tell these  5 guys, you know, how to act and discipline them  6 or not, you know, discipline them, you know,  7 for, you know, not following the rules and  8 stuff."  9 And I was like, "I don't understand  10 that." I mean, they've got an inmate handbook,  11 you know.  12 Q. Who was the co-employee that told  13 you that?  14 A. I'd rather not say his name. I  15 don't want to --  16 Q. But you've got to tell me.  17 A. Shannon Phillips.  18 Q. Do you know if Mr. Phillips is still  19 employed here?  20 A. I believe he is.  21 Q. Do you recall any other inmates,  22 before you became full-time, where you would  23 have used your pepper spray or the baton?</p>

<p>37</p> <p>1 A. Not that I can remember.</p> <p>2 Q. Okay.</p> <p>3 A. Not that I can recollect.</p> <p>4 Q. Did you ever have an occasion to use</p> <p>5 your taser?</p> <p>6 A. No, I don't remember tasing an</p> <p>7 inmate.</p> <p>8 Q. So the whole time you were here,</p> <p>9 even as a full-time employee, you never had to</p> <p>10 use your taser?</p> <p>11 A. No. It wasn't my taser either,</p> <p>12 though.</p> <p>13 Q. Okay. You never used a taser that</p> <p>14 belonged to --</p> <p>15 A. We only had two, I mean, you know,</p> <p>16 in the whole jail, but I -- I just didn't like</p> <p>17 carrying that thing, because I'd be worried</p> <p>18 about, well, now, if I get in a scuffle with</p> <p>19 them, if they get it off me, you know, that</p> <p>20 ain't good either. So, I mean, you know -- I</p> <p>21 never shot anyone with it, but I -- I take that</p> <p>22 back. I dry stunned a guy with it one day, an</p> <p>23 inmate.</p>	<p>39</p> <p>1 so Mr. Parham decided he wasn't going to do it,</p> <p>2 so I told him, I said, "Well, okay, you're not</p> <p>3 going to talk to me like that in front of these</p> <p>4 guys and not tell me you're not going to do it.</p> <p>5 I'll be in there." I grew up with Mr. Parham.</p> <p>6 I know him and --</p> <p>7 Q. So when you went into the cell area</p> <p>8 where he was, did you ask him to go back into</p> <p>9 his cell?</p> <p>10 A. I had already told him to go back in</p> <p>11 his cell. He refused. So I told him, "Well,</p> <p>12 pack your stuff. You're going to go to</p> <p>13 M-dorm."</p> <p>14 Q. Did you transfer him to M-dorm?</p> <p>15 A. Yes, I did. That's when he was dry</p> <p>16 stunned, on the way up the hall.</p> <p>17 Q. On the way up the hall?</p> <p>18 A. Yes.</p> <p>19 Q. What had -- did something else occur</p> <p>20 on the way down the hall?</p> <p>21 A. I said up the hall.</p> <p>22 Q. On the way up the hall, did</p> <p>23 something else occur to cause you to dry taser</p>
<p>38</p> <p>1 Q. When was that?</p> <p>2 A. Dry stun is like a -- just like put</p> <p>3 it up, you know, just give them a little jolt</p> <p>4 (indicating). I just remembered that.</p> <p>5 Q. Do you remember what inmate that</p> <p>6 would have been?</p> <p>7 A. Yeah, Christopher Parham.</p> <p>8 Q. What was his last name?</p> <p>9 A. Christopher Parham. He's</p> <p>10 African-American also.</p> <p>11 Q. Do you remember when this would have</p> <p>12 been?</p> <p>13 A. I'm thinking. I believe I was</p> <p>14 full-time when this happened, though, I think.</p> <p>15 Q. What had happened to cause you to</p> <p>16 dry stun Mr. Parham?</p> <p>17 A. Well, Mr. Parham became very</p> <p>18 disruptive and causing problems in a dorm that</p> <p>19 he was in and he was told to lock down and go</p> <p>20 to his cell. He cursed me over the intercom</p> <p>21 and told me he wasn't going to do it.</p> <p>22 And I said, "Well, yeah, you are</p> <p>23 going to do it. It's time to lock down." And</p>	<p>40</p> <p>1 him?</p> <p>2 A. He was just being loud and</p> <p>3 disruptive and not wanting to do what me and</p> <p>4 the other officer told him to do.</p> <p>5 Q. Who was the other officer with you</p> <p>6 that night?</p> <p>7 A. Charles Hannah.</p> <p>8 Q. What is M-dorm?</p> <p>9 A. It's maximum security. It's where</p> <p>10 the murderers and all the bad, bad people are</p> <p>11 housed.</p> <p>12 Q. Is the M-dorm used for any other</p> <p>13 reason other than maximum security?</p> <p>14 A. That's it, as far as I know.</p> <p>15 Q. Is it more of a segregation type</p> <p>16 area?</p> <p>17 A. It's an area where the inmates are</p> <p>18 locked down 23 hours a day.</p> <p>19 Q. If an inmate gets out of line or is</p> <p>20 causing a problem, can you put them in M-dorm?</p> <p>21 A. Yes.</p> <p>22 Q. Even if they're not normally a</p> <p>23 maximum security type inmate?</p>

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1 A. Yeah, if they're destroying county  
2 property, I mean, you know --  
3 Q. So can an inmate be placed in the  
4 M-dorm for segregation purposes?  
5 A. I would say for disciplinary  
6 reasons. That would be my reason for putting  
7 an inmate in there, or if he needs to be  
8 protected from a dorm that he's in, you've  
9 got -- say you've got 15 guys in there and he's  
10 number 16 and all 15 of them want to jump on  
11 him and beat the crap out of him, I would get  
12 him out of there and put him somewhere safe.  
13 Q. He doesn't need to be in general  
14 population at that point?  
15 A. Right, right.  
16 Q. How many people are housed in a cell  
17 in M-dorm?  
18 A. I think they have 23 dorms in there,  
19 cells in there, 23, 24, something like that.  
20 It's been awhile since I've been in there.  
21 Q. Do they put more than one inmate in  
22 a cell?  
23 A. Sometimes. It generally houses two

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1 at a time.  
2 Q. That was my question. After you  
3 became a full-time employee in September of  
4 2008, did you have any incidents with any  
5 inmates?  
6 A. Can you repeat that again?  
7 Q. After you became full-time in  
8 September of 2008, did you have any type of  
9 incidents with inmates that you can recall  
10 where an inmate would have made a complaint  
11 against you?  
12 A. Yes, I did.  
13 Q. When was that?  
14 A. On November 2nd, a fight ensued.  
15 Q. Okay. Was this the fight with Mr.  
16 Parrish?  
17 A. Yes.  
18 Q. All right. But I'm talking about  
19 before that time, though.  
20 A. Oh, no.  
21 Q. Between September and November, did  
22 you have any type of incidents with any --  
23 A. No, no, not that I can recall.

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1 Q. Okay. Did you ever have an incident  
2 with an inmate who escaped?  
3 A. Oh, yeah, yeah, yeah, yeah. I'm  
4 sorry, I forgot about that, yeah.  
5 Q. Who was that inmate?  
6 A. Roy Dale Madison.  
7 Q. Madison?  
8 A. Yeah, Roy Dale Madison.  
9 Q. What happened that day?  
10 A. He was over there at work release  
11 and I was told to go pick him up that day, but  
12 I had just come to the shift that particular  
13 day. That was my first day on second shift, if  
14 I'm not mistaken. And Ms. Harper had me up in  
15 booking, trying to brief me on some things and  
16 telling me she needed to get some paperwork  
17 done and needed me to sign some things and  
18 stuff, and talk to me about, I guess, how they  
19 do things on second shift or whatever and sign  
20 some insurance papers and get my off days and  
21 stuff straightened out and everything.  
22 So at that time, I was kind of busy  
23 and she was too, because she was, you know,

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1 with me at that time, trying to, you know, go  
2 over all this stuff with me. And the phone  
3 rings. And we have a pod rover in the M-dorm.  
4 If I'm not mistaken, I think I was M-dorm rover  
5 that day. And I don't know where the pod rover  
6 was at, you know, but I was asked to go get the  
7 inmate. But at that time, I mean, my mind was  
8 focused on trying to do these paperwork that  
9 she wanted me to, you know, do, and these  
10 papers she wanted me to sign.  
11 So I left the jail here and went  
12 over there, you know, just going to go pick him  
13 up. You know, he had never gave me no  
14 problems. I mean, I knew Roy Dale. But this  
15 particular day, I didn't have any cuffs. I  
16 forgot my cuffs, you know. So when I got over  
17 there to get him, I brought him out and he was  
18 calm and everything. And when I opened the van  
19 door, wanting him to get in, he took off on me  
20 and he ran from me.  
21 So I had never had anything like  
22 that to happen to me, so I immediately called  
23 back to the jail and I asked to speak to Mr.

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1 Williams, because he's like the senior officer  
 2 on our shift. He, you know, had worked here a  
 3 long time.  
 4 So I asked him, I said, "Well, Mr.  
 5 Williams, what do I need to do?"  
 6 He said, "Well, Trent's over in his  
 7 office. Call Mr. McCluskey." So he said,  
 8 "When you get back to the jail, just go over  
 9 and tell him what happened and, you know,  
 10 everything and explain everything to him."  
 11 So I did, and Mr. McCluskey told me,  
 12 "Oh, buddy, it's okay. Don't worry about it.  
 13 Stuff like that happens. It happens to the  
 14 best of us."  
 15 And I was told to write a report on  
 16 it and I didn't think nothing would come much  
 17 of it. That was it.  
 18 Q. Was Mr. Madison eventually captured?  
 19 A. Yes, ma'am.  
 20 Q. Who picked him up?  
 21 A. A county deputy. I think it was Mr.  
 22 Knight, Deputy Knight.  
 23 Q. Okay. Had you ever gone to work

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1 release to pick up an inmate before?  
 2 A. I can't say that I had. I believe  
 3 this was my first time, like I said, because I  
 4 had just come to this particular shift. And  
 5 this shift here, second shift is a lot  
 6 different than third shift. It's like third  
 7 shift is a little more, I guess you would say  
 8 laid back and a little more quieter, because  
 9 they're asleep at night most of the time, you  
 10 know, and --  
 11 Q. Had you ever transported an inmate?  
 12 A. Yeah, I've went on a transport with  
 13 another officer, yes, I have.  
 14 Q. Had you ever transported an inmate  
 15 for medical care while you were working for  
 16 third shift?  
 17 A. Yes, I've taken inmates to the  
 18 hospital out here.  
 19 Q. What is the policy or is there a  
 20 policy in place regarding transporting inmates?  
 21 A. Well, they're supposed to be cuffed,  
 22 I mean, you know.  
 23 Q. Okay. Is it the policy that anytime

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1 an inmate is transported from one place to  
 2 another, that they are in cuffs?  
 3 A. Right.  
 4 Q. And you did not cuff Mr. Madison  
 5 that day; correct?  
 6 A. I forgot my cuffs, as I said, you  
 7 know, with no one reminding me from booking  
 8 either, you know, at that time. I'm trying to  
 9 be totally honest with you here as I possibly  
 10 can, you know.  
 11 Q. Well, Mr. Chapman, did you violate  
 12 County policy or the policy of the Walker  
 13 County Jail when you failed to cuff Mr. Madison  
 14 to transport him?  
 15 MR. SAXON: Object to the form, to  
 16 the extent it assumes facts not in evidence and  
 17 calls for a legal conclusion. You can answer.  
 18 THE WITNESS: Do you want me to  
 19 answer?  
 20 MR. SAXON: Yeah.  
 21 A. As I said, I forgot my cuffs, so, I  
 22 mean, I assume that that was against policy.  
 23 Q. (By Ms. Dowdy) Okay. Was it your

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1 understanding, the day you went to pick him up  
 2 from work release, that there was a policy in  
 3 place that inmates had to be handcuffed when  
 4 they were being transported?  
 5 A. Yes.  
 6 Q. Okay.  
 7 A. But let me say this, ma'am. Like I  
 8 said, you know, things was kind of hectic at  
 9 that time. There was a lot going on and things  
 10 was like (indicating), you know, like that, and  
 11 I'm trying to do more than one thing at one  
 12 time, and you know how when you're doing more  
 13 than one thing. Sometimes you may forget  
 14 something. So I'm a human, you know, so honest  
 15 mistake on my part, though. But as I said, Mr.  
 16 Madison had never given me a day's trouble, you  
 17 know.  
 18 Q. When you started work for the  
 19 sheriff's department, were you given a jail  
 20 policy and procedure manual?  
 21 A. No, I wasn't given one. I asked for  
 22 one. I inquired about one.  
 23 Q. Okay.

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1 A. And then my lieutenant told me where  
2 they were at and he said, "Well, you can find  
3 them over in the hallway, in a box. Just go  
4 over and get you one," so that's what I did.  
5 Q. Were y'all told to become familiar  
6 with the policies and procedures?  
7 A. He told me that I should read over  
8 it.  
9 Q. And did you do that?  
10 A. Yes, I did.  
11 Q. Did you have any other -- well, let  
12 me ask you this, Mr. Chapman: When you became  
13 a full-time employee, full-time jailer, did you  
14 ever have an inmate accuse you of excessive  
15 force?  
16 A. No, not -- no one besides Decatur.  
17 Q. So during the whole time you had  
18 been here, been employed here, even as a  
19 part-time jailer, did you ever have an inmate  
20 accuse you of excessive force?  
21 A. Not that I know of. No one said  
22 nothing to me if I did.  
23 Q. Were you ever made aware of an

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1 investigation of an incident that had occurred  
2 at the hospital where an inmate or actually a  
3 hospital employee said that --  
4 A. Oh, yeah. That didn't happen.  
5 Q. Well, let me ask you this: Were you  
6 ever made aware of that incident, of that  
7 allegation?  
8 A. No, I wasn't made aware of it. I  
9 heard about it through another co-worker that  
10 perhaps upon me taking -- well, going to the  
11 hospital with said inmate, I think his name  
12 was -- I forget his name. The older gentleman.  
13 I think his name was George, first name --  
14 George Foust. That's his name, yeah, yeah. A  
15 co-worker of mine asked me did I know anything  
16 about some rude treatment, I guess, that he  
17 received or anything.  
18 And I said, "No. What are you  
19 talking about?"  
20 And he told me, he said, "Well,  
21 someone said, you know, that such and such  
22 happened."  
23 And I said, "No, I don't know -- you

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1 know, I don't know what you're talking about."  
2 I know I went out there one day to  
3 sit with a guy. I had been sitting with him  
4 like three days straight. About the fourth day  
5 I was sent out to there to sit with the guy, I  
6 was told by another officer, Mr. DeVito, that  
7 Mr. McCluskey said to come back to the jail. I  
8 asked Mr. DeVito why and he said he didn't  
9 know. He said Mr. McCluskey said come back to  
10 the jail.  
11 So I said, "Okay, fine, back to the  
12 jail."  
13 Now, upon me sitting with him one  
14 day, he -- inmates tend to get a little -- I  
15 guess you would say when they get away from the  
16 jail, they tend to get a little arrogant and  
17 everything and think that they can do what they  
18 want to do, because -- they just think they  
19 can, you know.  
20 So I believe the t.v. was on in the  
21 room where I was sitting and watching him, and  
22 the other officer had left and I was relieving  
23 the other officer. So I changed the t.v. and

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1 he got upset because I changed the t.v. and  
2 went to cussing and going on.  
3 And I told him, I said, "Well, now,  
4 you're not even really supposed to be watching  
5 the t.v." I said, you don't have t.v. there at  
6 the jail, and according to Sheriff Tirey, you  
7 won't have it, so I don't have to let you watch  
8 it." I said, "I can just turn it off." I  
9 said, "Because the t.v. is here for my  
10 enjoyment anyway, not yours." And that was  
11 what I stated to the inmate and that was it. I  
12 mean, but I wasn't ugly with him or anything.  
13 Q. Never touched him?  
14 A. No, no.  
15 Q. Any of the staff at the hospital say  
16 anything to you about it?  
17 A. No, no one said nothing to me about  
18 anything. That's why I said it never happened.  
19 I don't know what you're talking about.  
20 Q. Other than Mr., is it Decatur?  
21 A. Yeah.  
22 Q. Or is his last name Parrish?  
23 A. Joseph Decatur Parrish or something

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1 like that.

2 TRENTON McCLUSKEY: It's Decatur.

3 Q. (By Ms. Dowdy) Decatur. Is that

4 the only inmate that you are aware of that ever

5 accused you of excessive force, to your

6 knowledge?

7 A. Yeah, to my knowledge.

8 Q. Okay. You said the incident with

9 Mr. Decatur happened on November the 2nd of

10 2008?

11 A. Yes, ma'am.

12 Q. Tell me what happened on that day.

13 A. That particular day, a fight ensued

14 between said inmate Decatur and myself. He was

15 ranting and raving about wanting to go back to

16 B-dorm, B-dorm or -- no, he was in C-dorm. My

17 mistake. He was in C-dorm and he was wanting

18 to go back to C-dorm.

19 Q. Where was he on November the 2nd of

20 2008?

21 A. Oh, he was in M-dorm this particular

22 day. But what I'm trying to tell you, he was

23 placed in M-dorm by me and another officer,

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1 because the few days prior to that, he was

2 having trouble with other inmates down on the

3 pod. They were calling him baby raper. Mr.

4 Decatur is a second offender, and so other

5 inmates took exception to that and was calling

6 him names and everything. And he tore the top

7 off the dayroom table and slung it and busted

8 glass, shattered it on both sides of the

9 dayroom.

10 So the officer in the cubical,

11 control room told me and the other officer,

12 "Hey, y'all get down here. This guy's tearing

13 the jail up. He needs to be gotten out of

14 here."

15 So we went down to find out what was

16 going on and he was pitching a fit and

17 everything.

18 And he was like, "Well, they're

19 calling me baby raper and this and that."

20 And we were like, "Well, hey, dude,

21 you're in jail, I mean, you know. But we can

22 take you out of here and we're going to have to

23 take you out of here, because you're not able

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1 to get along with the rest of these people in

2 here." So we took him to M-dorm.

3 Q. So he was moved from C-dorm to

4 M-dorm?

5 A. Right. And usually sex offenders

6 are housed in X-dorm, which is upstairs, but I

7 believe there was something about a hole being

8 in a wall or something. Mr. McCluskey can tell

9 you more about that, so --

10 Q. But y'all moved Mr. Decatur to

11 M-dorm?

12 A. Yes, for his own protection, mind

13 you.

14 Q. Right. And do you remember what

15 time period this was or how close to it was

16 before November the 2nd?

17 A. It was a few days before, probably

18 about the end of October, I would say.

19 Q. And on --

20 A. Because I came back to work, I

21 think, that Sunday. I'm thinking this happened

22 on a Sunday, November the 2nd, 2008, when the

23 fight ensued, him against me.

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1 Q. Okay. And so he is in M-dorm?

2 A. Right.

3 Q. And then it's my understanding they

4 are locked down 23 hours a day?

5 A. Yeah.

6 Q. Is that what you testified to

7 earlier?

8 A. That's what I said, yes, ma'am.

9 Q. All right. So what were you doing

10 in M-dorm?

11 A. Well, I was feeding in there. I was

12 feeding inmates. I had just got through

13 feeding them and put up the trays and

14 everything, closed up the bean holes. And

15 prior to that, before feeding him, I have to

16 pass out store forms, because they get store.

17 And so Mr. Decatur asked me for a commissary

18 list. That is a list of items that's all on

19 store, you know, like what you get, like Lays

20 Potato Chips, Snickers candy bars, you know,

21 Kool-Aid packs, stuff like that, commissary

22 items.

23 Q. How would you give them their forms?



<p style="text-align: right;">57</p> <p>1 A. Well, usually, sometimes you might</p> <p>2 be able to slide them up under the door, if</p> <p>3 they don't have nothing under the door blocking</p> <p>4 the crack from you shooting it under there to</p> <p>5 them, you know. But this particular time --</p> <p>6 sometimes they keep towels up under the door or</p> <p>7 whatever, I guess, to keep the air out of the</p> <p>8 cell or whatever. I don't know. I don't know</p> <p>9 their reason for doing it. But he asked for</p> <p>10 the store form. I didn't think nothing of it,</p> <p>11 I mean, the commissary list, so I call for the</p> <p>12 door, to hand it to him, going to give it to</p> <p>13 him. He comes out on me, plain and simple.</p> <p>14 (Whereupon, Defendant's Exhibit</p> <p>15 Number 2 was marked for</p> <p>16 identification.)</p> <p>17 Q. (By Ms. Dowdy) Let me show you what</p> <p>18 I'm going to mark as Defendant's Exhibit 2. Do</p> <p>19 you recognize this, Mr. Chapman?</p> <p>20 A. Oh, yeah, I recognize that.</p> <p>21 Q. Okay. What is that?</p> <p>22 A. "There should be two officers</p> <p>23 present at all times when opening cell doors in</p>	<p style="text-align: right;">59</p> <p>1 upside the head, shirt pulled off over my head.</p> <p>2 I couldn't see him. He was punching me all in</p> <p>3 the head and face and everything, and I'm just</p> <p>4 trying to keep my hands up, to keep him off me</p> <p>5 at that point in time.</p> <p>6 And he was on me, so I got to my</p> <p>7 spray and I sprayed him, and that seemed to</p> <p>8 have no effect on him. He just kept coming.</p> <p>9 And so at that time, I finally was able to kind</p> <p>10 of get my balance and kind of get him pushed</p> <p>11 off me. By then, he had ripped my shirt off</p> <p>12 and I had no shirt on. And when the other</p> <p>13 employees, my co-workers came in there, I'm in</p> <p>14 there in my underwear, because my pants had</p> <p>15 slipped down to my ankles by then, you know,</p> <p>16 so --</p> <p>17 Q. Had you called for help?</p> <p>18 A. No, I couldn't call for help. I</p> <p>19 lost my radio in the process of this scuffle.</p> <p>20 Mr. Williams saw what was happening and he</p> <p>21 hollered for help. He called a code red.</p> <p>22 Q. And what's a code red, Mr. Chapman?</p> <p>23 A. That means all officers need to get</p>
<p style="text-align: right;">58</p> <p>1 M-dorm, no exception." We all know that, you</p> <p>2 know. But if I'm in M-dorm, I can't open the</p> <p>3 door and I'm not in the control room, so that's</p> <p>4 impossible. I can't be in two places at one</p> <p>5 time, see.</p> <p>6 Q. Who called for the door to be opened</p> <p>7 that day?</p> <p>8 A. I called for the door to be opened,</p> <p>9 but I'm telling you I can't open and push the</p> <p>10 button and literally open the door and be in</p> <p>11 there with him too. That's just not possible.</p> <p>12 Q. Do you remember who was in the</p> <p>13 control room that day, November 2nd?</p> <p>14 A. Yes, I do.</p> <p>15 Q. Who was that?</p> <p>16 A. Jerry Williams.</p> <p>17 Q. Okay. So what happened after the</p> <p>18 door was opened?</p> <p>19 A. He came out on me and a fight</p> <p>20 ensued.</p> <p>21 Q. Okay. Can you tell me what</p> <p>22 happened?</p> <p>23 A. Yeah, I'm getting pummelled, hit all</p>	<p style="text-align: right;">60</p> <p>1 to the immediate scene as quick as possible,</p> <p>2 inmate fighting a guard.</p> <p>3 Q. So what other co-workers came in the</p> <p>4 M-dorm?</p> <p>5 A. You had Ms. Clifton, you've got Ms.</p> <p>6 Killingsworth, you've got Ms. Phillips, you've</p> <p>7 got Ms. Harper.</p> <p>8 Q. What happened when your co-workers</p> <p>9 got in there?</p> <p>10 A. Well, when they got in there, he was</p> <p>11 tased. When he was tased by Ms. Clifton, he</p> <p>12 fell like, you know, in a butt position, kind</p> <p>13 of sitting in front of the cell door, but he's</p> <p>14 still aggressive. He's still trying to get up</p> <p>15 and come at me, and I don't know if he's going</p> <p>16 to come at them or not. So by that time, I</p> <p>17 retrieved my baton off the floor, struck Mr.</p> <p>18 Decatur across the knees, here (indicating),</p> <p>19 center mass, and the last place I struck him</p> <p>20 was across the forehead.</p> <p>21 Q. How many times did you hit Mr.</p> <p>22 Decatur?</p> <p>23 A. Maybe three, four, maybe. I'm not</p>



<p style="text-align: right;">61</p> <p>1 sure. I really don't recall. But I know he 2 would not quit. He would not stop fighting 3 until he got that last lick across the head. 4 When he saw that he was bleeding, he said, "I 5 quit. I give up." That was his words. 6 My -- this is my scenario of the 7 whole thing. I'm trying to protect myself and 8 preserve human life, as well as these four 9 females I'm in there with. I'm worried about 10 their safety, just as well as mine. Mr. 11 Decatur's a sex offender. Hey, I don't know 12 what he would have did if he could have got 13 loose and got one of them and dragged them in 14 the cell, so I'm looking out for their best 15 interest too. Somebody had to gain control of 16 the situation. Mr. Decatur was not cuffed. He 17 was not subdued in any way. He was still 18 aggressive and trying to fight. That was the 19 only reason he was struck with that baton like 20 that. 21 Q. He had already been tased at the 22 time you hit him? 23 A. He had already been tased, but he</p>	<p style="text-align: right;">63</p> <p>1 to fill up a van with gas. I think those are 2 poor judgment calls on her part. 3 Q. Who are you talking about? 4 A. Ms. Harper. Now, you've got four 5 females there, including yourself, and one of 6 y'all can't go put gas in a county van and you 7 send my only help away from the jail and leave 8 me hanging out to dry like that. And that was 9 the only other male officer here, because Mr. 10 Williams is confined to the control room, 11 because he cannot take a blow to his neck, 12 because it would kill him. He's an older 13 gentleman and he ain't supposed to be scuffling 14 and fighting. He apologized to me that day. 15 He told me he was so sorry. He said he wished 16 he could have helped me. That was his words to 17 me, Mr. Williams. 18 Q. Would this have happened if you had 19 had two officers when the M-dorm cell was 20 opened? 21 MR. SAXON: Object to the form, to 22 the extent it calls for speculation. You can 23 answer.</p>
<p style="text-align: right;">62</p> <p>1 was still trying to get up and fight. 2 Q. Were you aware that he was still 3 connected to the taser wires at the time you 4 struck him? 5 A. Well, yeah, he was, but the taser 6 misfired when she first fired it. 7 Q. Okay. He had actually been tased, 8 though, at the time you struck him? 9 A. He was tased, ma'am. That's what 10 I'm telling you. 11 Q. Okay. 12 A. But, you know, the taser works like 13 this. If you don't get the probes all the way 14 deep into the skin, they might not hook up and 15 connect too good. Maybe she didn't hit him 16 directly and maybe they didn't go all the way 17 into him. Maybe only one of them went into 18 him. That's what I'm telling you. So he was 19 still being aggressive and trying to get up and 20 come at me and them too. 21 And prior to all this happening, the 22 one male officer that could have been here to 23 help me, she sends this officer, Nick Harbin,</p>	<p style="text-align: right;">64</p> <p>1 A. I don't know. I asked Ms. Harper to 2 come in there before this occurred. She told 3 me over the radio if it wasn't urgent, she 4 wasn't coming. 5 Q. You asked her to come into where -- 6 A. Prior, into M-dorm where this took 7 place, before this happened. And she told me 8 if it was not urgent, she was not coming. I 9 had asked her to come in there and speak to two 10 more inmates that was upstairs, because they 11 were having problems. One of them was gay and 12 the other guy is heterosexual. One was white 13 and one's black. Well, the gay guy was black. 14 The white guy, he's heterosexual. He didn't 15 want the gay guy in the cell with him. 16 He told me, "Hey, man, if you don't 17 get him out of here, there's going to be a 18 problem. Me and him ain't going to be able to 19 stay in here together." 20 So I told him, I said, "Well, okay, 21 I can't move you on my own, unless I call her 22 and ask her if it's all right to move you." 23 We got a memo from moving people</p>

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1 from cell to cell and from dorm to dorm, doing  
 2 stuff like that without going through the  
 3 proper channels. We're not to allow inmates to  
 4 go to another dorm, from A to B, to cut another  
 5 inmate's hair or stuff like that. We're not  
 6 allowed to just move them from cell to cell  
 7 just because they want to, can't do it.  
 8 Q. All right.  
 9 A. So I had to have her to tell me that  
 10 I could do it and that it was okay, but she  
 11 never bothered to come in there, and that was  
 12 just a few minutes before this fight ensued  
 13 with Decatur. Had she been there, I don't know  
 14 what -- I mean, you know, had she been there,  
 15 hey, this might not have happened. I don't  
 16 know. I can't say.  
 17 Q. The two inmates that you're talking  
 18 about that you -- that were upstairs -- Mr.  
 19 Decatur was not upstairs, was he?  
 20 A. No, Mr. Decatur was downstairs.  
 21 Q. Downstairs. And it was not these  
 22 two inmates that you had the fight with. It  
 23 was Mr. Decatur; correct?

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1 A. Right, right.  
 2 Q. Okay. Was there anybody else being  
 3 housed in the cell with Mr. Decatur?  
 4 A. Yes, there was.  
 5 Q. Who was the other inmate?  
 6 A. He was a Bureau of Prisons inmate.  
 7 His name was -- oh, what is that guy's name? I  
 8 don't know his name now. He was a black guy,  
 9 light skinned fellow, tall, kind of slim. I  
 10 forget his name, though, but I wrote his name  
 11 down. He never came out of the cell at all,  
 12 though, because he knows that they're not  
 13 supposed to leave the cell. All inmates know  
 14 that they're not supposed to leave the housing  
 15 area unless instructed by staff.  
 16 Q. After this incident, did you have to  
 17 have any type of medical treatment?  
 18 A. I didn't receive any medical  
 19 treatment. I wasn't offered any medical  
 20 treatment.  
 21 Q. Did you need any medical treatment?  
 22 A. I don't know.  
 23 Q. Did Mr. Decatur have to have medical

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1 treatment?  
 2 A. Yes, he did.  
 3 Q. Do you know what kind of medical  
 4 treatment he had?  
 5 A. A few stitches across the head, I  
 6 believe. They were not concerned if I needed  
 7 medical treatment. I was not asked if I was  
 8 okay. I was not asked did I need to go to the  
 9 hospital and at that time, I did not know that  
 10 I could leave the jail, take it upon myself to  
 11 just go get checked out.  
 12 But when I got home that next  
 13 night -- I mean that night, when I got off of  
 14 work, I noticed the next morning when I woke  
 15 up, I'm all red up here (indicating), I've got  
 16 scratches on me and everything.  
 17 I didn't have no shirt on and my mom  
 18 saw me and she said, "What happened to you?"  
 19 And I told her, "Well, I was in a  
 20 fight."  
 21 And I was sore all over, felt like  
 22 somebody had taken a hammer or something and  
 23 hit me in all my joints or something. Well,

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1 I'm sore because I'm wrestling, tussling with  
 2 him during the fight.  
 3 Mr. Williams told me, he said, "Man,  
 4 I don't know how you did it, how you got that  
 5 guy back over to that cell." Because we fought  
 6 all the way from the cell over to the dayroom  
 7 table, to the middle of like the dayroom and  
 8 M-dorm. He said, "I don't know how you got him  
 9 back over there."  
 10 I said, "Well, I don't know how I  
 11 got him back over there either. I couldn't  
 12 even see him. I had my shirt over my head.  
 13 I'm just trying to keep him off me, trying to  
 14 push him off (indicating)."  
 15 Q. Do you know whether an investigation  
 16 was done about this incident?  
 17 A. Yeah, the same day it happened.  
 18 Q. Do you know what investigator was  
 19 called to do the --  
 20 A. Darrell Mote. I know that inmate's  
 21 name, Ronald Grant.  
 22 Q. Ronald Grant?  
 23 A. Yes. That's the inmate that was in

<p style="text-align: right;">69</p> <p>1 the cell with Mr. Decatur.</p> <p>2 Q. Do you know if he saw any of the</p> <p>3 incident between the two of you occur?</p> <p>4 A. He saw the whole thing. All the</p> <p>5 other inmates did too. They encouraged him to</p> <p>6 kick my ass. That's what they told him, "Kick</p> <p>7 his ass, get him, fat B, fat bastard, get him."</p> <p>8 That's what all the other inmates in M-dorm</p> <p>9 encouraging Mr. Decatur to get me, urging him</p> <p>10 on.</p> <p>11 Q. So Mr. Mote did an investigation?</p> <p>12 A. Yes, he did.</p> <p>13 Q. And were you subsequently</p> <p>14 terminated?</p> <p>15 A. November the 7th. I believe that's</p> <p>16 on a Friday, if I'm not mistaken. This</p> <p>17 happened on a Sunday. I come to work that</p> <p>18 Friday, Mr. McCluskey hands me a piece of paper</p> <p>19 and says, "You can go, bud. This is what we've</p> <p>20 got."</p> <p>21 I said, "Well, I guess you need your</p> <p>22 radio." I sat it on his desk and I left. Ms.</p> <p>23 Kelly Godfrey was in his office with him.</p>	<p style="text-align: right;">71</p> <p>1 A. No, except for him giving me the</p> <p>2 paper and telling me that, "This is what we've</p> <p>3 got," and that I could talk to the sheriff if I</p> <p>4 wanted to about it.</p> <p>5 And I said, "Well, where is he at,</p> <p>6 Mr. McCluskey?"</p> <p>7 He said, "Well, I don't know. You</p> <p>8 know how he is. You may see him today, you may</p> <p>9 see him tomorrow, you may not see him for a</p> <p>10 week or so."</p> <p>11 I said, "Well, okay." He said, "But</p> <p>12 if you want to talk to him, you're welcome to</p> <p>13 come talk to him." I said, "Well, all right.</p> <p>14 Thank you," laid the radio down and I left.</p> <p>15 Q. Did you ever have a conversation</p> <p>16 with Sheriff Tirey about the reason you were</p> <p>17 terminated?</p> <p>18 A. Finally.</p> <p>19 Q. And when was that?</p> <p>20 A. March of 2009.</p> <p>21 Q. Where were you when you talked to</p> <p>22 Sheriff Tirey?</p> <p>23 A. Upstairs in his office.</p>
<p style="text-align: right;">70</p> <p>1 Q. Who was?</p> <p>2 A. Ms. Kelly Godfrey.</p> <p>3 Q. What was your understanding of why</p> <p>4 you were being terminated?</p> <p>5 A. Whatever the paper said. All I</p> <p>6 know, I was being terminated for misconduct or</p> <p>7 something, excessive force or something, using</p> <p>8 the baton or something.</p> <p>9 (Whereupon, Defendant's Exhibit</p> <p>10 Number 3 was marked for</p> <p>11 identification.)</p> <p>12 Q. (By Ms. Dowdy) Let me show you what</p> <p>13 I've marked as Defendant's Exhibit 3. Is this</p> <p>14 a copy of the letter you received terminating</p> <p>15 you from employment with the Walker County</p> <p>16 Sheriff's Department?</p> <p>17 A. Yeah, this looks like the one I got.</p> <p>18 Q. Okay. What was your understanding</p> <p>19 of why you were being terminated?</p> <p>20 A. I didn't understand why I was being</p> <p>21 terminated, to be quite frank with you.</p> <p>22 Q. Did you have a conversation with Mr.</p> <p>23 McCluskey that day that you were terminated?</p>	<p style="text-align: right;">72</p> <p>1 Q. And what did he tell you?</p> <p>2 A. Well, when I talked to him, pretty</p> <p>3 much, he told me that their insurance paid Mr.</p> <p>4 Decatur \$10,000.00 and he didn't agree with it,</p> <p>5 he said, but they did, and Mr. Decatur got out</p> <p>6 of jail. And Mr. Tirey pretty much told me, he</p> <p>7 said, "Well, if I was you, I'd sue."</p> <p>8 Q. Did he tell you why?</p> <p>9 A. I guess because I had been</p> <p>10 wrongfully fired, ma'am. I don't -- I mean,</p> <p>11 you know, I can't put words in the man's mouth.</p> <p>12 I'm just telling you what he told me.</p> <p>13 Q. Okay. Did you ask him what you</p> <p>14 needed to sue for?</p> <p>15 A. For wrongful termination. That</p> <p>16 would be my reason for suing.</p> <p>17 Q. Okay. Why do you think you were</p> <p>18 terminated, Mr. Chapman?</p> <p>19 A. I don't know. This paper really</p> <p>20 doesn't describe much, you know. It says</p> <p>21 something about a probationary period. I don't</p> <p>22 see anything the here about -- nothing about me</p> <p>23 using excessive force with a baton or nothing.</p>

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1 I don't know. I ain't got a clue.

2 Q. You don't have any explanation as to

3 why you were fired?

4 A. No, because all I was doing was

5 defending myself and my co-workers. Pretty

6 much to state the most obvious, as I see it, I

7 mean, I'm in there were four women. I mean,

8 come on, this guy, he's still aggressive,

9 trying to fight. I mean, somebody's got to get

10 control of the situation.

11 Q. Do you think you were terminated

12 because of the use of excessive force?

13 A. I don't -- I really don't know,

14 ma'am. I mean, I don't know. I mean, you'd

15 have to ask them what was their reason for

16 terminating me. I don't know.

17 Q. Do you think it was because of your

18 race?

19 A. That could play a part.

20 Q. Okay. How?

21 A. Well, to be quite honest with you,

22 Sheriff Tirey also told me this: He said,

23 "I've hit inmates in the head with my baton."

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1 And I'm thinking to myself, "Well,

2 now, he's hit inmates in the head with his

3 baton and I've done hit an inmate in the head

4 with my baton, but I'm fired."

5 Q. Who made the decision to terminate

6 you?

7 A. Mr. Tirey signed the paper, but he

8 also told me that Mr. McCluskey told him, "Mr.

9 Chapman needs to go. He's going to be a

10 problem." That was his words to me.

11 Q. But do you know who made the

12 ultimate decision to fire you?

13 A. I guess Mr. Tirey. He signed the

14 paper.

15 Q. And --

16 A. But he told me he was only going on

17 the word of his jail administrator. That was

18 his comment to me.

19 Q. So what facts do you have that would

20 support any allegation that Mr. -- or that

21 Sheriff Tirey fired you because of your race?

22 A. I just gave you an example, ma'am, I

23 mean, and I've talked to other officers. My

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1 lieutenant, Randy Brown, he also told me the

2 same thing out of his mouth. He said, "Oh,

3 they fired you for that?" He said, "I've hit

4 people in the head with my baton and they

5 didn't fire me." That was his words to me.

6 Q. Okay. What is Randy Brown's race?

7 A. He's white.

8 Q. Did he tell you about any of the

9 facts surrounding that incident?

10 A. No, he didn't go into detail. He

11 just told me, he said, "Oh, you ain't done

12 nothing bad." He said, "I've done that. They

13 fired you for that?" I said, "Yeah, I'm

14 fired."

15 Q. Do you know whether, when Mr. Brown

16 had used his baton on an inmate, it was after

17 that inmate had already been tased?

18 A. I don't know. He did not go into

19 detail with me about it. I just bumped into

20 him somewhere one day and he was asking me

21 about the jail and was I still working here,

22 and I told him, "No."

23 He said, "Why not?" I said I had

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1 been fired. He said, "What did you get fired

2 for?" And then I told him and he said, "Oh,

3 I've done that." He said, "They didn't fire

4 me." That was his words.

5 Q. Any other officers that you're aware

6 of that used their baton on an inmate and were

7 not terminated?

8 A. Yes, so I was told by other

9 co-workers.

10 Q. Okay. Who else --

11 A. Which he is terminated now, but he

12 was given like three chances before he was

13 terminated. His name was Sam Sherrer. He was

14 sent to anger management, he was suspended, and

15 the last time he was fired. And they said he

16 literally sat on top of an inmate and took his

17 baton and beat the inmate in the head

18 repeatedly. I did nothing of the sort.

19 Q. That's what you were told; correct?

20 A. That's what I was told by co-workers

21 of mine.

22 Q. Did you witness that?

23 A. No, ma'am, I didn't.

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1 Q. What is Mr. Sherrer's race?  
 2 A. White.  
 3 Q. Was Mr. Sherrer an employee here  
 4 when you were here?  
 5 A. No, ma'am.  
 6 Q. Have you ever had --  
 7 A. But the people that told me that  
 8 were employed here when I was here. I'm trying  
 9 to be as honest with you as I possibly can. I  
 10 have no reason to lie.  
 11 Q. Any other officers that you're aware  
 12 of that had any physical altercations with  
 13 inmates that were still employed?  
 14 A. Say that again.  
 15 Q. Any other officers that you're aware  
 16 of that had a physical altercation with an  
 17 inmate that did not lose their job?  
 18 A. While I was employed?  
 19 Q. No, that you're aware of.  
 20 A. Other than the three I named?  
 21 Q. Randy Brown, Sam Sherrer?  
 22 A. And Sheriff Tirey. I told you --  
 23 Q. Sheriff Tirey is an elected

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1 official. I'm talking about employees.  
 2 A. Well, no, not that I know of.  
 3 Q. Before this incident with inmate  
 4 Decatur, you had used your baton on another  
 5 inmate; correct?  
 6 A. Right, the one I told you about,  
 7 Daniel Ryan, the one who kicked me in the chest  
 8 and tried to spit in my face.  
 9 Q. All right. And you were not  
 10 terminated for that incident; correct?  
 11 A. No. What I'm trying to get my point  
 12 across to you is, ma'am, I didn't do anything  
 13 malicious to Mr. Decatur. It wasn't a Rodney  
 14 King beating or nothing like that. I struck  
 15 him one time in the forehead and that was it.  
 16 I didn't repeatedly beat him or nothing, and  
 17 the baton was not used as a weapon against my  
 18 co-workers or nothing.  
 19 Q. Maybe I misunderstood. I thought  
 20 you told me you struck him three to four times.  
 21 Did you --  
 22 A. I didn't tell I hit him in the head.  
 23 I told you I hit him in the kneecaps, once

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1 across center mass here (indicating), and then  
 2 the last lick was across the forehead.  
 3 Q. I mean three to four times in  
 4 general. One time he was struck in the head;  
 5 correct?  
 6 A. One time.  
 7 Q. Okay. And the other times were to  
 8 other parts of his body?  
 9 A. Chest area, maybe shoulders area and  
 10 legs.  
 11 Q. But a total of three to four times?  
 12 A. Yeah, I would say, I guess, three to  
 13 four times. I really don't remember per se how  
 14 many times, but I couldn't tell you how many  
 15 times he cold fist punched me in the head,  
 16 because I couldn't see him.  
 17 Q. And I don't imagine you were  
 18 probably counting either, were you?  
 19 A. No.  
 20 Q. Mr. Chapman, you have sued Sheriff  
 21 Tirey and Mr. McCluskey and actually Walker  
 22 County for race discrimination. Tell me every  
 23 fact you have to support your allegation that

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1 you were terminated because of your race.  
 2 A. I would say so. I mean, a  
 3 lieutenant, former lieutenant told me he wasn't  
 4 terminated for doing the same thing, I mean,  
 5 you know.  
 6 Q. And that was Randy Brown?  
 7 A. Randy Brown. And then I was told of  
 8 the other incident, Mr. Sherrer, and he was  
 9 given a chance to go to anger management. He  
 10 was suspended. And I got none of those  
 11 opportunities. That's what I'm trying to tell  
 12 you. If I'm such a bad officer or whatever --  
 13 I didn't want to sue these people. Let me make  
 14 that very clear up front. I also told Mr.  
 15 Saxon that. I tried to talk to them and make  
 16 all amends I could with them. I went and  
 17 talked to Bruce Hamrick, went and talked to  
 18 Senator Charles Bishop, went and talked to Mr.  
 19 Tirey finally, when I could finally catch up  
 20 with him. I went and talked to Andrew Archie,  
 21 the head of the --  
 22 Q. Hold on. Let's go back. Who did  
 23 you talk to? You talked to Sheriff Tirey. I

<p style="text-align: right;">81</p> <p>1 know we talked about that. Who else did you 2 talk to? 3 A. I talked to Senator Charles Bishop 4 too about this incident. 5 Q. What did you talk to Mr. Bishop 6 about? 7 A. I just explained to him what 8 happened and everything. 9 Q. What did he tell you to do? 10 A. He basically asked me did I plan on 11 living around here and did I plan on having any 12 children around here and I told him, "Well, I 13 don't know, maybe." 14 Q. And why did you tell him you thought 15 you were terminated? 16 A. I told him I thought I was 17 wrongfully terminated. 18 Q. But did you tell him why you thought 19 that way? 20 A. I just explained to him what 21 happened, exactly what happened, the incident 22 and everything. 23 And he -- when I told him that, he</p>	<p style="text-align: right;">83</p> <p>1 Tirey, Andrew Archie. 2 Q. Who is Andrew Archie? 3 A. He's the president of the Civil 4 Service Board. Bruce Hamrick, the man that 5 signs our checks. 6 Q. When you talked to Mr. Archie, where 7 were you? 8 A. Well, I was over at the monument 9 place, over there at the Gates Monuments. 10 Q. What did you tell Mr. Archie? 11 A. I just told him what happened, 12 exactly what happened, like I'm telling you, 13 and he pretty much just listened and, you know, 14 nodded and asked me, "What are you saying? You 15 want to file a grievance? What are you saying? 16 You want to file a grievance?" But according 17 to their handbook, Civil Service Board 18 handbook, I didn't have a right to file a 19 grievance because I'm, quote, "on a six month 20 probationary period." 21 Q. Did you tell him you thought you had 22 been terminated because of your race? 23 A. I told him I thought I had been</p>
<p style="text-align: right;">82</p> <p>1 said to me, "Well, seems like something ain't 2 quite right." 3 Q. Did you tell him you thought you had 4 been terminated because of your race? 5 A. I guess you could say that. 6 Q. No, did you tell him that? 7 A. I said I guess you could say that. 8 Q. Okay. You're telling me you guess I 9 could say that. I don't want to say that. Did 10 you tell him that or not, yes or no? 11 A. I explained to him exactly what 12 happened, just like I explained it to you, and 13 I showed him the reports and stuff, and he told 14 me something wasn't quite right about this 15 situation. 16 Q. Okay. Let me ask you again, Mr. 17 Chapman. Did you tell Senator Bishop that you 18 thought you had been terminated because of your 19 race? 20 A. I guess, yeah, yeah, you could say 21 that, yeah. I'd say yes to that. 22 Q. Okay. Who else did you talk to? 23 A. Okay. Senator Bishop, Sheriff</p>	<p style="text-align: right;">84</p> <p>1 wrongfully terminated. 2 Q. Did you tell him on what grounds? 3 A. I explained to him what happened and 4 everything, so I guess you could say yeah, I 5 did. 6 Q. Who was the other person you talked 7 to? Bruce? 8 A. Bruce Hemrick. 9 Q. And he is a commissioner? 10 A. He's the head of the County 11 Commission over there, signs our paychecks. 12 Well, he used to sign mine. He don't sign 13 mine. 14 Q. What did you tell Bruce? 15 A. I explained the situation to him and 16 told him about the fight and everything with 17 the inmate, and he told me he'd try to talk to 18 Sheriff Tirey about it and see if he could help 19 me get my job back. Never heard a thing from 20 him since the day I talked to him. 21 Every day I called up here to speak 22 to Mr. Tirey, he was either busy or this or 23 that. Mr. Tirey also told me that the best he</p>



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1 could do for me was to give me my job back  
 2 part-time. I told him no, I didn't want that.  
 3 I wanted what I had when I left here, because I  
 4 felt I was wronged. I never should have been  
 5 fired anyway.  
 6 He said, "Well, I can't do that."  
 7 Q. Did he ever offer you a full-time  
 8 position?  
 9 A. No.  
 10 Q. Did he ever offer you a part-time  
 11 position?  
 12 A. He said the best he could do, he  
 13 might could get me my job back part-time. But  
 14 every time I called him, he told me, he said,  
 15 "Well, keep in touch with me. Keep checking  
 16 back." Every time I called him, I never could  
 17 get ahold of him or nothing, or he was so busy,  
 18 so I never got my job back.  
 19 Q. Did you tell Commissioner Hemrick  
 20 that you thought you had been terminated  
 21 because of your race?  
 22 A. I told him I thought I had been  
 23 wrongfully terminated.

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1 Q. Do you think you were terminated  
 2 because you used excessive force?  
 3 A. I did not use excessive force. I  
 4 have a right to defend myself, ma'am.  
 5 Q. Do you think you were terminated,  
 6 though, because somebody else viewed you as  
 7 having used excessive force?  
 8 A. I don't know. I can't speak for  
 9 somebody else. You know what? I'm going to  
 10 say this: Mr. McCluskey never talked to me  
 11 about this incident at all, not from the day it  
 12 happened or nothing. And he set up there in  
 13 the investigator's room upstairs with the  
 14 investigator that particular day, sitting right  
 15 there beside him, across from him on the other  
 16 side of the table. I took my report up there.  
 17 I said, "Is there anything else?"  
 18 He said, "No, that's all, bud."  
 19 Well, I was told by Sheriff Tirey my  
 20 co-workers sold me out. Well, now, you tell  
 21 me, what's more important to them, their jobs,  
 22 having a family and having money in their  
 23 pockets every week or trying to help me? What

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1 I'm trying to say is I don't see how I could  
 2 get a fair investigation from the get-go, not  
 3 with Mr. McCluskey sitting there.  
 4 Q. Why do you say that? Do you think  
 5 Mr. McCluskey had something against you?  
 6 A. A little incident occurred before  
 7 all this conveniently happened anyway between  
 8 me and Mr. McCluskey.  
 9 Q. Okay. What happened?  
 10 A. We had a phone conversation.  
 11 Q. Okay. When was that?  
 12 A. Around the end of October. It was  
 13 about a female kitchen worker.  
 14 Q. Who was that?  
 15 A. My ex-girlfriend, to be exact. Her  
 16 name's Paula Richardson.  
 17 Q. Paula Richardson?  
 18 A. Yes. She worked in the kitchen with  
 19 Ms. Ruby McCollum. She calls me from the  
 20 kitchen that particular day and tells me she's  
 21 had a bad day.  
 22 I'm like, "Well, what's wrong?"  
 23 So she tells me that Mr. McCluskey

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1 has sent Ms. Becky Kimbrell and Ms. Laura Tirey  
 2 into the kitchen and been pulling out white  
 3 female inmates and trying to get them to say  
 4 that she's mistreating them differently,  
 5 opposed to the way she treats the one black  
 6 lady that's in the kitchen working, the female  
 7 inmate.  
 8 So I called Mr. McCluskey and I  
 9 asked him, I said, "Do you know anything about  
 10 this?"  
 11 He said, "No, what are you talking  
 12 about?"  
 13 I said, "Well, let me tell you about  
 14 it."  
 15 So when I begin to tell him about it  
 16 and everything, his reply to me was, "Are you  
 17 her boss? Are you her union president? Well,  
 18 you don't need to worry about what's going on  
 19 in the kitchen," and he hung up the phone on  
 20 me. And he also asked me was I her lawyer. I  
 21 replied no.  
 22 Q. Okay. This was a conversation you  
 23 had on the phone with Mr. McCluskey?

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1 A. Yes. This happened first, before  
 2 the fight with Mr. Decatur. How conveniently  
 3 the fight with Mr. Decatur happens after this  
 4 phone conversation, just a few days later.  
 5 Q. What did Ms. Richardson tell you was  
 6 going on in the kitchen?  
 7 A. She said that the female officers  
 8 were coming in there all day long, off and on,  
 9 getting the kitchen workers out, trying to  
 10 question them and get them to say that she was  
 11 treating the white female inmates differently  
 12 than she did the one black female inmate.  
 13 Q. Do you know who Ms. Richardson  
 14 worked for? Did she work for the sheriff?  
 15 A. She works for ABL; she did.  
 16 Q. What is that?  
 17 A. That's a food service which in turn  
 18 worked -- that the county employs.  
 19 Q. Did she tell you that Mr. McCluskey  
 20 had done anything to her?  
 21 A. She told me, by no uncertain terms,  
 22 that the kitchen workers had been questioned  
 23 all day, off and on, by two female officers.

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1 Q. By Officers Kimbrell and Tirey?  
 2 A. Right. And when I asked him about  
 3 it, he said he knew nothing about it. But when  
 4 I said, "Well, let me tell you about it," he  
 5 became upset, seemed like, a little aggressive.  
 6 And that's when he tells me all this other  
 7 stuff and then he hangs up the phone on me.  
 8 Then how conveniently, just a few  
 9 days later, November the 2nd, this fight  
 10 happens with me and the inmate. Follow the  
 11 pieces here? It's like I'm being set up.  
 12 Q. Do you think somebody got Mr.  
 13 Decatur to get in a fight with you?  
 14 A. Yeah.  
 15 Q. Who do you think did that?  
 16 A. I don't know.  
 17 Q. Okay. Well, do you have any  
 18 evidence that somebody got Mr. Decatur to come  
 19 out of his cell and have a fight with you?  
 20 A. You're going to -- I know you've got  
 21 the reports like I do. You're going to read  
 22 the reports. I mean, you know, I don't know.  
 23 Q. What facts do you have to support

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1 this allegation that you're making that they  
 2 set you up?  
 3 A. Well, what I'm saying is, ma'am, I  
 4 didn't start having problems. Mr. McCluskey  
 5 was all right with me until I disagreed with  
 6 him about something. I was his buddy up until  
 7 then. He always told me anytime I had a  
 8 problem in the jail or if I saw some changes  
 9 that needed to be made in the jail that would  
 10 benefit the jail, speak up, let him know, he'd  
 11 help me with anything. He said, "Buddy,  
 12 whatever you need." He said, "If you've got a  
 13 problem or something, you want somebody to talk  
 14 to about it, you can talk to me."  
 15 Q. And this phone conversation that you  
 16 had with Mr. McCluskey would have happened  
 17 when?  
 18 A. Around the end of October. This  
 19 fight occurred on November 2nd.  
 20 Q. The end of October being after  
 21 the -- what day?  
 22 A. Around, I'd say the last week of  
 23 October.

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1 Q. Okay. So after the 20th?  
 2 A. Yeah, I would say so.  
 3 Q. At the time this phone conversation  
 4 happened, had you already had the incident with  
 5 the inmate where he escaped?  
 6 A. Oh, yeah, that had already happened.  
 7 Q. And had that alleged incident over  
 8 at the hospital already happened?  
 9 A. That never happened.  
 10 Q. Okay.  
 11 A. I just told you that awhile ago. I  
 12 don't even know what --  
 13 Q. And I said alleged incident.  
 14 A. Yeah.  
 15 Q. Do you know whether that had already  
 16 taken place?  
 17 A. I don't even know nothing about  
 18 that.  
 19 Q. Okay.  
 20 A. I told you what I said, you know.  
 21 That was it.  
 22 Q. Has anybody told you that you were  
 23 set up?



<p style="text-align: right;">93</p> <p>1 A. I'm going to put it like this: I 2 feel that I was wronged. 3 Q. Okay. I understand that you feel 4 that way, but I'm trying to find out if there's 5 anything that you -- any evidence you have that 6 would support your feeling that you were 7 wronged? 8 A. Yeah, the fight. How conveniently 9 for it to happen after I had this phone 10 conversation with him. That's what I'm saying. 11 Q. Did you ever talk to Mr. Decatur 12 after the fight y'all had? 13 A. No, and he tried to sue me. Well, 14 he did sue me. 15 Q. He sued you or he filed a claim? 16 A. Well, the claim, suit, lawsuit, 17 whatever it was. He (indicating) brought the 18 papers to the house, Mr. McCluskey. Not to 19 mention I'm sick behind all this, after losing 20 my job and everything, on high blood pressure 21 medication and all types of medication. I've 22 got sleep apnea and just a whole lot of 23 sickness after all this, and I've got the</p>	<p style="text-align: right;">95</p> <p>1 been talking to him about the fact that these 2 white female officers were questioning inmates 3 about their treatment from Ms. Richardson? 4 A. Correct. 5 Q. Okay. Was it your understanding 6 that Ms. Richardson had been accused of 7 discriminating against some of the inmates 8 based on their race? 9 A. That's what it sounded like. I 10 mean, and I was going to let him know that she 11 wouldn't do nothing like that, you know, and I 12 know this because I've been with her for 14 13 years. 14 Q. Are you still dating her? 15 A. No, not now. 16 Q. But Ms. Richardson was not 17 complaining to you, let me make sure I 18 understand, that she was being discriminated 19 against; correct? 20 A. She was telling me about she was 21 having a bad day, she was having problems that 22 day. That's what she was doing. 23 Q. Okay. Did she tell you she felt</p>
<p style="text-align: right;">94</p> <p>1 medical records to prove it. 2 Q. Ms. Richardson was an employee of 3 ABL at the time you had this conversation with 4 Mr. McCluskey? 5 A. Yes, yes. 6 Q. And did you tell Mr. McCluskey that 7 you thought Ms. Richardson was being 8 discriminated against in some way? 9 A. I didn't get the opportunity to tell 10 Mr. McCluskey nothing else. I asked him did he 11 know about the incident. When I went into 12 details to tell him about the incident and 13 everything, that's when he told me pretty much 14 it was none of my business, mind my own 15 business and asked me was I her lawyer, was I 16 her boss, was I her union president. And I 17 replied no to all of that and he hung up the 18 phone. 19 Q. How long would you say you were on 20 the phone with Mr. McCluskey that day? 21 A. What, maybe five, ten minutes, 22 maybe. 23 Q. And during that time, you would have</p>	<p style="text-align: right;">96</p> <p>1 like she was being investigated for 2 discrimination? 3 A. I didn't say that, ma'am. I told 4 you she called me on the phone and said she was 5 having a bad day and she started telling me 6 what happened. Because I said, "Well, what's 7 wrong?" because she was upset, and then that's 8 when she told me all about this, the inmates, 9 her story. 10 Q. I'm just trying to make sure I 11 understand. She told you there were two white 12 officers who were questioning the inmates that 13 worked in the kitchen, trying to determine 14 whether or not she was mistreating them based 15 on their race? 16 A. Right, prior (sic) to the way she 17 was treating the one black female that was in 18 there. 19 Q. Did she tell you at the time that 20 she felt like anybody at the sheriff's 21 department was mistreating her based on her 22 race? 23 A. All I can tell you is what I told</p>

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1 you she told me. That's all I know.  
 2 Q. Okay. And that's all she told you?  
 3 A. Yeah. Now, you can draw your own  
 4 conclusions or whatever. I don't know.  
 5 Q. I'm not trying to draw any  
 6 conclusions. I'm just --  
 7 A. I just know what she told me.  
 8 Q. And I'm not trying to argue. I'm  
 9 just trying to make sure I understand what she  
 10 reported to you. Did she report to you that  
 11 anybody at the sheriff's department was  
 12 mistreating her?  
 13 A. I -- like I said, I can only tell  
 14 you what she told me, and I told you what she  
 15 told me.  
 16 Q. Okay. And you've told me everything  
 17 that she told you?  
 18 A. Right.  
 19 MS. DOWDY: Okay. Can we take a  
 20 break real quick?  
 21 (Whereupon, a recess was taken.)  
 22 Q. (By Ms. Dowdy) Mr. Chapman, who  
 23 trained you on use of a baton?

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1 A. I believe it was Sergeant Chris  
 2 Penley.  
 3 Q. Were you taught when it was  
 4 appropriate to strike somebody in the head with  
 5 a baton?  
 6 A. I guess that would be like if  
 7 drastic measures or something like -- you know,  
 8 like I said, this was a fight. I mean, you  
 9 know, I don't -- I really -- you would have to  
 10 be there. I mean, of course, if somebody's  
 11 attacking you, you're going to do what you can  
 12 to defend yourself, you know.  
 13 Q. Okay. Is it considered deadly force  
 14 to strike somebody in the head with a baton?  
 15 A. I don't know. It may be something  
 16 in the SOP book about that. I don't know. I'm  
 17 not quite sure.  
 18 Q. In your training, though, that you  
 19 have received, did they teach you that if you  
 20 hit somebody in the head, that that could be  
 21 considered deadly force?  
 22 A. Well, they really didn't talk much  
 23 about that, you know, at the class. I mean,

99

1 you know, it was they showed us the areas to --  
 2 you know, that we should try to focus on,  
 3 pretty much, I mean, you know. Apparently it's  
 4 frowned upon. I meant to say he was my  
 5 sergeant too, Chris Penley was, when I was on  
 6 third shift. I forgot about him.  
 7 Q. Well, what would be the difference  
 8 between deadly force, in your opinion, and  
 9 nondeadly force?  
 10 MR. SAXON: Object to the form, to  
 11 the extent it calls for a legal conclusion.  
 12 You can answer.  
 13 A. I guess I would say deadly force  
 14 would be if the -- my life is threatened, I  
 15 guess, you know. They didn't see the whole  
 16 fight. Nobody really saw the whole fight but  
 17 me. I'm in there by myself. They only saw  
 18 what ensued towards the end of the fight. Mr.  
 19 Williams could see from a certain distance what  
 20 he saw, but hey, this guy, by no means was he  
 21 being nice to me, you know, at all. This was a  
 22 fight, I mean literally a fight.  
 23 I just want to say I loved my job.

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1 This was the best job I had had in my whole  
 2 life. I liked it. I would have loved to have  
 3 been still working here, but hey, stuff  
 4 happens.  
 5 Q. (By Ms. Dowdy) After you use pepper  
 6 spray in the jail as a jailer, do y'all have to  
 7 file an incident report saying that y'all had  
 8 used --  
 9 A. Yeah, we used it.  
 10 Q. And would you also have to file an  
 11 incident report after each time you used a  
 12 baton?  
 13 A. Well, we wrote reports -- I wrote a  
 14 report on what happened that particular day.  
 15 Everybody did, I mean, you know, that was  
 16 involved.  
 17 Q. What about the previous incident  
 18 where you had used your baton on an inmate?  
 19 Was there a report written on that?  
 20 A. I believe there was.  
 21 Q. And would there have been an report  
 22 after you dry tased that one inmate?  
 23 A. I probably wrote a report. I think

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1 I did.

2 Q. And would that have been the policy

3 at the Walker County Sheriff's Department, to

4 write a report following any type of incident

5 like that with an inmate?

6 A. Yes, any type of incident, we're

7 supposed to document it.

8 MS. DOWDY: I think that's all the

9 questions I've got right now, Mr. Chapman.

10 Thank you.

11 A. Thank you.

12

13 EXAMINATION BY MR. SAXON:

14 Q. George, I've got a few follow-up

15 questions. You were asked by Ms. Dowdy the

16 race of some individuals. I don't know that we

17 got for the record what Sheriff Tirey's race

18 is. What is his race?

19 A. He's a white man.

20 Q. Now, you mentioned going to see

21 Senator Charles Bishop and you were asked if

22 you told him you thought you were terminated

23 because of your race, and basically you said

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1 yes, but not in so many words. Was that before

2 or after he pulled a gun on you?

3 MS. DOWDY: I missed that. Senator

4 Bishop pulled a gun on him?

5 MR. SAXON: Well, you didn't ask him

6 and he didn't --

7 MS. DOWDY: Well, I was going to say

8 I had not heard that.

9 Q. (By Mr. Saxon) Did Senator Bishop

10 pull a gun on you?

11 A. Yes, he did.

12 Q. Okay. A shotgun?

13 A. Yes, a shotgun or some kind of

14 hunting rifle. This is what happened. My dad

15 took me to see Senator Bishop, because he

16 thought that he could help me, because he had

17 known him for such a long time and they've done

18 work for him and stuff and everything.

19 So upon me telling him about this

20 incident and everything, he's showing my dad

21 his hunting rifle and waving it around the room

22 (indicating). So I leaned back in the chair,

23 you know, and he was like, "Oh, I ain't going

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1 to shoot you, son. Don't worry, it ain't

2 loaded."

3 So then he went on to ask me did I

4 plan on having kids and living here in Walker

5 County, you know, and I said, "Well, I don't

6 know. I guess, maybe, you know."

7 And then he pretty much told me,

8 "Well, Walker County's got a lot of hang-ups.

9 They're still behind in a lot of times, you

10 know." He said, "We've got a black president

11 now, but that really don't mean much around

12 Walker County."

13 Q. The incident involving Paula

14 Richardson that you called Mr. McCluskey about,

15 did you conclude that Ms. Richardson thought

16 she was in some way being singled out or

17 discriminated against, based on what she was

18 telling you about?

19 MS. DOWDY: Object to form.

20 Q. (By Mr. Saxon) You can answer.

21 A. The way she described things to me,

22 it made me think that she was being mistreated

23 and that she was being unequally treated and

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1 she was being discriminated against, just by

2 what she was telling me.

3 Q. Based on her race being black?

4 A. Right.

5 Q. And supposedly favorable treatment

6 of the black inmate?

7 A. Right.

8 Q. And the fact that the white inmates

9 were being questioned?

10 A. Right, right.

11 Q. Okay. And did you convey that to

12 Mr. McCluskey?

13 A. I didn't get the chance to convey

14 much of nothing to Mr. McCluskey, because I

15 told him, "Well, let me tell you about it."

16 When I told him about it -- first he lied to

17 me. He told me he knew nothing about it. Then

18 I said, "Well, let me tell you about it."

19 And when I started to tell him about

20 it, that's when he replied to me, "Are you her

21 boss? Are you her lawyer? Are you her union

22 president? You don't need to worry about

23 what's going on in the kitchen. Mind your own

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1 business."

2 Q. How do you know he lied to you?

3 A. Because when I first asked him about

4 it, he said he knew nothing about it. But then

5 when I started telling him about it, he does a

6 whole 180, like he's upset now. So, I mean,

7 his actions, that's what led me to believe that

8 he was lying to me, his actions, the way he

9 answered me in such a short turn and, you know,

10 kind of wanted to rush me off the phone.

11 Q. And then just within a week or two

12 of talking to Mr. McCluskey about Paula

13 Richardson and this possible discrimination in

14 the kitchen, Mr. McCluskey recommended your

15 termination?

16 A. Yes, after the fight with Mr.

17 Decatur.

18 Q. In baton class, were you taught that

19 it's okay to defend yourself and other

20 officers?

21 A. Yeah, preserve human life.

22 Q. Have you been taught in other

23 classes, since being a jailer for Walker

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1 County, that it's okay to defend yourself and

2 other officers?

3 A. Well, I would think that if they

4 gave me the tools to use, why punish me for

5 using them? That doesn't make sense.

6 Q. Is that what you were doing when you

7 struck Mr. Decatur? You were defending

8 yourself and the four --

9 A. I was defending myself and the

10 female officers. I was in there with four

11 women. I was the only male in there.

12 Q. And you said he was a sex offender.

13 What was the nature of his offense, if you

14 know?

15 A. I was told he raped a little 15 year

16 old girl that come over to spend the night with

17 his daughter. I don't know much about the man

18 other than that.

19 Q. Have you ever seen any documents or

20 paperwork that indicated he was in for rape?

21 A. No, I can't say that I have, not me

22 personally. I was also told by other

23 co-workers that Mr. McCluskey made sort of a

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1 deal with Mr. Decatur that, "Well, if you don't

2 sue us, I'll get you out of jail. We'll see

3 about getting you out of here." And they ended

4 up -- insurance ended up paying him \$10,000.00.

5 Now, Mr. Tirey admitted to that,

6 that they paid him \$10,000.00. He said he

7 didn't agree with it, but he admitted to it

8 that they did, you know. And I forget the name

9 of the insurance company, Meadow something, it

10 was some lady. I saw the paperwork or

11 something.

12 Q. Meadowbrook?

13 A. That's it, yeah.

14 Q. Okay.

15 A. And I was told Mr. McCluskey helped

16 set Mr. Decatur up with a trailer somewhere,

17 out in Sipsey or somewhere; I don't know.

18 Q. And gave him a get out of jail free

19 card?

20 A. Yeah.

21 Q. Did you ever see the taser report

22 that Tiffany Clifton did about Mr. Decatur?

23 A. Yeah, I saw -- I read her report and

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1 then I looked at the sheet that she had

2 attached to it, the little black area on it.

3 Q. And that taser report indicates that

4 he was in for rape second; right?

5 MS. DOWDY: Object to form.

6 A. Okay. That's it.

7 Q. (By Mr. Saxon) Is that what it

8 says?

9 A. Yeah, let's see. "Inmate was on

10 floor trying to get up --"

11 Q. I'm just asking you if -- it says,

12 "Rape second," right there, doesn't it?

13 A. Oh, yeah, it says, "Rape second."

14 Q. Let me ask you a follow-up question

15 or two about Roy Dale Marsh.

16 A. Roy Dale Madison.

17 Q. I mean Madison. When you went to

18 pick him up, he was on work release?

19 A. Yes.

20 Q. All right. Was he in cuffs or leg

21 irons at the time?

22 A. He wasn't in anything.

23 Q. Okay. So if you had had your cuffs

<p style="text-align: right;">109</p> <p>1 on you, that doesn't necessarily mean you could</p> <p>2 have kept him from running away, does it?</p> <p>3 A. No, not really.</p> <p>4 Q. I mean, if somebody runs away, they</p> <p>5 can run away before you get them on there;</p> <p>6 right?</p> <p>7 A. Yeah. I mean, I could have cuffed</p> <p>8 him, you know, but who's to say he still</p> <p>9 wouldn't have ran? He didn't have leg irons</p> <p>10 on, so --</p> <p>11 Q. All right. If you would, take a</p> <p>12 look at Defendant's Exhibit Number 2. Do you</p> <p>13 have that in front of you?</p> <p>14 A. Right.</p> <p>15 Q. All right. Now, am I correct,</p> <p>16 George, that the policy of the jail is that</p> <p>17 whenever you're going to open a cell door that</p> <p>18 has an inmate in it, there's supposed to be two</p> <p>19 officers there at all times? Is that the</p> <p>20 policy?</p> <p>21 A. Yes, in this particular area, yes.</p> <p>22 Q. Okay. And you knew that was the</p> <p>23 policy, didn't you?</p>	<p style="text-align: right;">111</p> <p>1 put a key in that cell door and open it?</p> <p>2 A. Yeah, I can, but I didn't have a</p> <p>3 key. They were in the control room.</p> <p>4 Q. Okay. So somebody has to be in the</p> <p>5 control room to get the door open?</p> <p>6 A. Right.</p> <p>7 Q. Okay. So it would have been</p> <p>8 physically impossible to open the door to get</p> <p>9 him out or to go in to do anything with the</p> <p>10 door open --</p> <p>11 A. Sure.</p> <p>12 Q. -- and have two officers present,</p> <p>13 when you only had two on duty and one of them's</p> <p>14 in the control room; right?</p> <p>15 MS. DOWDY: Object to form.</p> <p>16 A. I had a pod rover. I was the dorm</p> <p>17 rover and had a pod rover. I don't -- she sent</p> <p>18 the pod rover off to fill the van with gas.</p> <p>19 But I was the only male officer left here</p> <p>20 besides Mr. Williams, and Mr. Williams was in</p> <p>21 the control room, so it was me in there by</p> <p>22 myself.</p> <p>23 But what I'm saying, I could not</p>
<p style="text-align: right;">110</p> <p>1 A. Yes, I knew that.</p> <p>2 Q. Okay. And everybody knows that's</p> <p>3 the policy here, don't they?</p> <p>4 A. Yes, sir.</p> <p>5 Q. But nobody follows it, do they?</p> <p>6 MS. DOWDY: Object to form.</p> <p>7 A. No.</p> <p>8 Q. (By Mr. Saxon) Okay. Now, how many</p> <p>9 of you were there working in that -- and was</p> <p>10 this in M-dorm?</p> <p>11 A. M-dorm.</p> <p>12 Q. All right. In M-dorm that night,</p> <p>13 the night of the incident with Mr. Decatur, how</p> <p>14 many officers were there total working in</p> <p>15 M-dorm?</p> <p>16 A. One (indicating).</p> <p>17 Q. Okay. And that was you?</p> <p>18 A. Me.</p> <p>19 Q. All right. Now, Mr. Williams, you</p> <p>20 mentioned. Where was he?</p> <p>21 A. In the control room, central control</p> <p>22 right here (indicating).</p> <p>23 Q. All right. Now, can you take and</p>	<p style="text-align: right;">112</p> <p>1 open the door, push the button and open the</p> <p>2 door if I'm in there with Decatur. It's just</p> <p>3 impossible. I just can't be in two places at</p> <p>4 one time. That's what I was trying to say</p> <p>5 awhile ago.</p> <p>6 Q. (By Mr. Saxon) Okay. And you had</p> <p>7 asked Sergeant Harper to come with you over</p> <p>8 there?</p> <p>9 A. Yes, I had asked her prior, to come</p> <p>10 in there prior to this happened, just a few</p> <p>11 minutes before this happened, maybe five</p> <p>12 minutes at the most, maybe, to come talk to</p> <p>13 these other two inmates that was having</p> <p>14 problems, because they weren't getting along,</p> <p>15 George Bryant and some white inmate. I forget</p> <p>16 his name.</p> <p>17 Q. And she refused?</p> <p>18 A. And she told me if it wasn't urgent,</p> <p>19 she wasn't coming. So I didn't feel the need</p> <p>20 to keep bothering her, because she acted like I</p> <p>21 was bothering her by asking her to come talk to</p> <p>22 these two inmates, you know. And we did not</p> <p>23 have any computers up and running that day</p>

<p style="text-align: right;">113</p> <p>1 either, so we could not book anyone in, because</p> <p>2 the computers were shut down. The Blood Hound</p> <p>3 was off. It had been off since, I think, like</p> <p>4 Friday, so it was off Friday, Saturday and</p> <p>5 Sunday.</p> <p>6 Q. And in this case, the Blood Hound is</p> <p>7 not a dog?</p> <p>8 A. No.</p> <p>9 Q. What's the Blood Hound?</p> <p>10 A. That's the computers that we use in</p> <p>11 the jail, the computer program we use with all</p> <p>12 the inmates' names listed and the offenses and</p> <p>13 stuff on it and all that, and it didn't come</p> <p>14 back up until after this incident happened, the</p> <p>15 fight with me and Decatur.</p> <p>16 MR. SAXON: I think that's all I've</p> <p>17 got.</p> <p>18 A. But she was so busy, though, that</p> <p>19 she couldn't help me.</p> <p>20 MR. SAXON: That's all I've got.</p> <p>21 Ms. Dowdy may have some follow-up questions.</p> <p>22</p> <p>23 RE-EXAMINATION BY MS. DOWDY:</p>	<p style="text-align: right;">115</p> <p>1 federal law and all that.</p> <p>2 He asked me when I come back in</p> <p>3 there on signing my logs, he said, "I need a</p> <p>4 commissary list. Will you get me one?"</p> <p>5 I said, "Sure." So it just so</p> <p>6 happened I had already passed store forms out</p> <p>7 there. I had some in my back pocket. So I</p> <p>8 reached to get it for him and I called for the</p> <p>9 door -- I'm just going to hand him the store</p> <p>10 form just like this (indicating), "Here you</p> <p>11 go," and boom, he comes out on me.</p> <p>12 Q. Did you try to slide it up under the</p> <p>13 door first?</p> <p>14 A. I couldn't. He keeps a towel up</p> <p>15 under the door. And they've been told not to</p> <p>16 do stuff like this.</p> <p>17 Q. Could you ask him to remove the</p> <p>18 towel so you could slide it up under the door?</p> <p>19 A. I've asked inmates to do a lot of</p> <p>20 things, ma'am.</p> <p>21 Q. Well, you wouldn't have to give him</p> <p>22 the commissary list if he wouldn't do as you</p> <p>23 asked him to do, did you?</p>
<p style="text-align: right;">114</p> <p>1 Q. You only need two employees, two</p> <p>2 jailers in that M-dorm if you're going to open</p> <p>3 a door; correct?</p> <p>4 A. Right.</p> <p>5 Q. But there are a lot of times you go</p> <p>6 in there and there's just one employee; right?</p> <p>7 A. Yeah.</p> <p>8 Q. You can go in there and feed them,</p> <p>9 there can be just one jailer and that's</p> <p>10 perfectly fine; right?</p> <p>11 A. Yeah.</p> <p>12 Q. The policy is there'll be two of you</p> <p>13 if the door is opened; right?</p> <p>14 A. When you've got bean holes, if</p> <p>15 you've got the keys, you can open the bean hole</p> <p>16 and stick the tray in there. But at this</p> <p>17 particular time, as I told you earlier, I had</p> <p>18 already fed the inmates, passed out store</p> <p>19 forms. After he ate and I had gotten all the</p> <p>20 trays up and I went and put the keys up, when I</p> <p>21 come back in there to sign my logs -- I have to</p> <p>22 sign my logs every 30 minutes. I'm supposed</p> <p>23 to. We're all required to, by their rules and</p>	<p style="text-align: right;">116</p> <p>1 A. Well, I guess I might didn't have</p> <p>2 to, but, I mean, you know --</p> <p>3 Q. And you made the decision to call</p> <p>4 for the door to be opened, even though there</p> <p>5 was just one officer present; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Is it standard for you to go</p> <p>8 and feed M-dorm without another officer?</p> <p>9 A. Oh, yeah, we can feed. One officer</p> <p>10 can feed M-dorm.</p> <p>11 Q. So the fact that the other officer</p> <p>12 was gone to get gas in the van was not</p> <p>13 affecting your ability to feed these inmates;</p> <p>14 correct?</p> <p>15 A. No.</p> <p>16 Q. And the fact that you did not have</p> <p>17 anybody with you was not --</p> <p>18 A. But he helped me feed before. After</p> <p>19 feeding, that's when all this transpired.</p> <p>20 That's what I'm telling you. That's when the</p> <p>21 fight transpired.</p> <p>22 Q. Okay. You made the decision,</p> <p>23 though, Mr. Chapman, to have the door opened so</p>



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1 that you could hand him this list; right?

2 A. Yes, I called for the door. Yes, I

3 did.

4 Q. All right. And that list was not

5 anything that this inmate had to have; correct?

6 A. Well, he -- yeah, he had to know

7 what to fill out on the store form.

8 Q. Okay. But he didn't have to have it

9 at the moment; right? He could have waited

10 until the officer got back from getting gas and

11 y'all could have gone there together and handed

12 it to him if you felt like you needed to hand

13 it to him; correct?

14 A. I didn't feel threatened by him,

15 though, ma'am. Is that what you're trying to

16 say?

17 Q. I'm not trying to say anything. I'm

18 just asking you, you could have waited until

19 this other male officer got back if you thought

20 that was warranted; correct?

21 A. Well, ask me that again, because I

22 don't know what you're trying to ask me,

23 because see, I'm sitting here and my mind is

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1 racing and I'm --

2 Q. Could you have waited until the

3 other male officer got back from getting gas in

4 the van to have the door at M-block opened to

5 hand Mr. Decatur his commissary list?

6 A. Yeah, I guess I could have. I guess

7 I could have waited on Ms. Harper to come in

8 there too, when I asked her to, but she didn't

9 come, I mean, so --

10 Q. When you called Ms. Harper, you

11 asked her to come and see about transferring

12 those two inmates upstairs; correct?

13 A. Right, about splitting them up, and

14 she didn't come.

15 Q. Did you ever call another officer

16 and tell them you were about to open an M-door

17 cell and you needed another officer present?

18 A. It was heard all over the radio. I

19 used my radio and I said, "M-6."

20 Q. Okay.

21 A. Everybody heard it. We've all got

22 radios.

23 Q. Okay. Does that let everybody know

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1 that you're standing there alone, about to open

2 that cell?

3 A. I'm the only one in there. I'm the

4 only one on the post for M-dorm. We fill out

5 post orders every time we come in to work.

6 Everybody's got a position they work. Now,

7 she's the supervisor. She should know where

8 everybody's at. We're her people. You see

9 what I'm saying?

10 Q. So anytime you heard --

11 A. She made out the post orders.

12 Q. Anytime you heard an M-door was

13 about to be opened, you knew whether or not

14 there was another officer -- were there two

15 officers present?

16 A. Say that again.

17 Q. Okay. While you were working here,

18 either as a part-time or full-time, and you

19 heard on the radio that somebody was about to

20 open a door in the M-block, you knew how many

21 officers were standing there?

22 A. A lot of times we do that. I

23 mean --

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1 Q. You're not answering --

2 A. There would be two people present.

3 That's what I'm telling you.

4 Q. But you're telling me that these

5 other officers should have known that you were

6 by yourself? When you were working and you

7 heard on the radio that M-block, a door was

8 about to be opened, you were also aware whether

9 there was one or two inmates -- I mean two

10 officers standing there; correct?

11 A. I was the only officer assigned to

12 this area.

13 Q. All right. But when you were not

14 working in M-block and somebody else was

15 supposed to be posted in there, if you hear on

16 the radio that a door is about to be opened in

17 that block, how are you supposed to know how

18 many officers are standing there?

19 A. I don't, not really, I mean, you

20 know.

21 Q. Okay.

22 A. What are you getting at? I don't

23 understand.

<p style="text-align: right;">121</p> <p>1 Q. I'm just asking the question.</p> <p>2 A. I mean, I can't walk around through</p> <p>3 the whole jail and have somebody with me at all</p> <p>4 times to hold my hand. I've got a job to do.</p> <p>5 I mean, you know, I'm not afraid of these</p> <p>6 inmates, you know, afraid to be around them. I</p> <p>7 treat them just like human beings every day,</p> <p>8 you know.</p> <p>9 Q. You told me earlier that the most</p> <p>10 violent inmates were usually housed in M-dorm;</p> <p>11 is that correct?</p> <p>12 A. Right, right, right.</p> <p>13 Q. Do you think that might be the</p> <p>14 reason that this Defendant's Exhibit 2 is</p> <p>15 posted outside?</p> <p>16 A. Yeah, that's posted outside of</p> <p>17 M-dorm. Everybody sees this every day.</p> <p>18 Q. Do you think that's the reason for</p> <p>19 the policy, is because these are the most</p> <p>20 violent inmates?</p> <p>21 A. Yeah, yeah, I mean, I would say</p> <p>22 that.</p> <p>23 Q. When did you become aware of the</p>	<p style="text-align: right;">123</p> <p>1 that's your trustees. That's the guys like we</p> <p>2 get to take around with us to feed or clean up</p> <p>3 the jail or whatever, you know, take out</p> <p>4 garbage, stuff like that. What I'm saying is</p> <p>5 it's not uncommon for officers to be by himself</p> <p>6 or by herself with inmates in this facility.</p> <p>7 That's not uncommon.</p> <p>8 I mean, that happens in prisons. I</p> <p>9 mean, you may have one officer trying to watch</p> <p>10 50 inmates. That's not uncommon. I mean, so,</p> <p>11 I mean, you've got to do your job. You can't</p> <p>12 be -- you know, I can't, you know, pick up the</p> <p>13 radio every time I've got to go somewhere and</p> <p>14 say, "Well, hey, I need you to come over here</p> <p>15 with me. I need you to come over here with me.</p> <p>16 I need you to come over here with me." That</p> <p>17 would kind of make me look like I might not</p> <p>18 need to be working here, I'm kind of afraid or</p> <p>19 scared or whatever.</p> <p>20 Q. But in M-dorm, how many times would</p> <p>21 you go in there when you would be the only</p> <p>22 officer with inmates?</p> <p>23 A. All day or all night long, because</p>
<p style="text-align: right;">122</p> <p>1 charges that were against Decatur?</p> <p>2 A. What charges?</p> <p>3 Q. That he had been charged with second</p> <p>4 degree rape or a crime of a sexual nature?</p> <p>5 A. I was told that by a co-worker. I</p> <p>6 mean, you know, I don't --</p> <p>7 Q. When were you told?</p> <p>8 A. I don't know. I mean, within the</p> <p>9 period of time of me working there.</p> <p>10 Q. Before or after the incident, the</p> <p>11 fight you had with him?</p> <p>12 A. Oh, I knew that before the fight, I</p> <p>13 mean that he was a sex offender, because see,</p> <p>14 the sex offenders are classified in X-dorm.</p> <p>15 They're kept in a certain place. See, we've</p> <p>16 got certain parts of the jail where we house</p> <p>17 different inmates.</p> <p>18 Q. Right.</p> <p>19 A. That's what I'm saying. Like your</p> <p>20 T-dorm, that's your workers that go out and</p> <p>21 work with the districts and stuff, like</p> <p>22 District 1, District 3, District 4. Then</p> <p>23 you've got your MP-dorm here (indicating),</p>	<p style="text-align: right;">124</p> <p>1 I've got to sign those logs every 30 minutes.</p> <p>2 Q. So you would go in the M-dorm by</p> <p>3 yourself?</p> <p>4 A. Yes.</p> <p>5 Q. And be the only officer in there</p> <p>6 with inmates who were --</p> <p>7 A. I would go upstairs, downstairs --</p> <p>8 Q. And were all the inmates out or</p> <p>9 would they be in their cell?</p> <p>10 A. No, they're in their cell, though.</p> <p>11 Q. Right.</p> <p>12 A. But this is what I'm trying to say.</p> <p>13 I've learned that if you treat a person like</p> <p>14 you want to be treated, you know, treat these</p> <p>15 inmates with some type of respect and dignity,</p> <p>16 you know, and just be fair with them, most of</p> <p>17 the time you won't have no problems. They</p> <p>18 won't bother you. They're still human, just</p> <p>19 like us.</p> <p>20 I mean, they've done things wrong,</p> <p>21 but it's not for me to judge them or say, you</p> <p>22 know, "Hey, they are the scum of the earth or</p> <p>23 whatever," because I'm not God, so I can't do</p>



<p style="text-align: right;">125</p> <p>1 that. I mean, you know, all I can do is treat  2 them the best way I know how to treat them.  3 All I was trying to do was give Mr. Decatur a  4 commissary list. That's my honest intentions  5 and that's it.  6 Q. Prior to --  7 A. I did not know he was going to  8 attack me. I didn't feel threatened by him, so  9 that's why I asked for the door to be opened.  10 Q. Prior to --  11 A. Just like I didn't know Mr. Madison  12 was going to run from me. I didn't feel  13 threatened by him. Mr. Madison never gave me a  14 day's trouble the whole time he had been in  15 this jail.  16 Q. Prior to November 2nd, 2008, had you  17 ever had any problems with inmate Decatur?  18 A. No.  19 Q. Never had any problems with him  20 calling you names?  21 A. Oh, you get that. He may have  22 called me names or something, but, I mean, you  23 know, I don't --</p>	<p style="text-align: right;">127</p> <p>1 MS. DOWDY: I don't have anything  2 else. Thank you.  3 THE WITNESS: Pardon me?  4 MS. DOWDY: I don't have anything  5 else. Thank you.  6 THE WITNESS: Okay.  7  8 RE-EXAMINATION BY MR. SAXON:  9 Q. George, is it your testimony that  10 there were oftentimes when you were in M-dorm  11 and you were the only officer in there?  12 A. Yes, sir.  13 Q. And based on conversations with your  14 fellow officers, did anybody ever indicate to  15 you that there were times when they were the  16 only officer in M-dorm?  17 A. Sure. We do it all the time. We  18 have to sign those logs every 30 minutes. The  19 inmates are secluded in their cell. They  20 can't -- I mean, they can't hurt you unless  21 they get out, unless they come out from behind  22 the door, and that's a heavy door with a glass  23 on it, like a little cut out window like that</p>
<p style="text-align: right;">126</p> <p>1 Q. What had inmate Decatur called you?  2 A. I don't know. I used to get Fat  3 Albert a lot, by a lot of the inmates and  4 stuff, fat ass, you know, stuff like that.  5 Q. Did inmate Decatur ever call you  6 that?  7 A. I don't know. He may have called me  8 a nigger one time. I mean, I've gotten that  9 too, you know, from inmates, from white  10 inmates. But, I mean, you know, it's part of  11 the job. So what I'm saying, this is not the  12 nicest place to work, but I liked my job.  13 Q. So when you took inmate Decatur to  14 the M-dorm, how many officers escorted him to  15 M-dorm?  16 A. Me and Officer Charles Hannah.  17 Q. Okay. And when you got in M-dorm  18 and opened the cell, were there two of you  19 there?  20 A. Yeah, there was two of us there when  21 we placed him in there that particular day. I  22 think that was like on a Friday, maybe,  23 Thursday or Friday or something.</p>	<p style="text-align: right;">128</p> <p>1 (indicating), but you can see in and they can  2 see you, you know.  3 Q. Okay.  4 A. And if you can't see in, we've got a  5 flashlight we're supposed to keep with us,  6 where we can shine in there, because sometimes  7 the inmates tears up the cell lights and the  8 cell might not have lights on it.  9 MR. SAXON: That's all I've got.  10  11 RE-EXAMINATION BY MS. DOWDY:  12 Q. Mr. Chapman, the policy is not that  13 you couldn't be in M-dorm without two officers  14 present, was it?  15 A. No, ma'am, that's not the policy.  16 Q. Okay. The policy is that when a  17 cell door within the M-dorm was opened, there  18 had to be two officers present; correct?  19 A. Right, yes, ma'am.  20 MS. DOWDY: All right. Thank you.  21  22 RE-EXAMINATION BY MR. SAXON:  23 Q. And to your knowledge -- and was the</p>

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1 night you opened the door by yourself with Mr.  
 2 Decatur in the cell, was that the only time  
 3 that's ever happened here, in M-dorm?  
 4 A. That's the only time it's ever  
 5 happened to me where an incident occurred.  
 6 Q. Had you opened a cell door in M-dorm  
 7 where you were the only officer in the dorm?  
 8 A. Had I called for one before like I  
 9 did that night? Is that what you're asking?  
 10 Q. Yeah.  
 11 A. Sure. We do it all time, me, as  
 12 well as the other officers. That's what I'm  
 13 saying.  
 14 Q. Would be in M-dorm and only one  
 15 officer present when the cell door was opened?  
 16 A. Yeah.  
 17 MR. SAXON: Okay.  
 18  
 19 RE-EXAMINATION BY MS. DOWDY:  
 20 Q. You had done that before?  
 21 A. Yeah. Other officers have too.  
 22 Q. Okay. So you had violated policy  
 23 before this happened?

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1 A. I mean, what I'm saying, this is not  
 2 nothing we really, I guess you would say,  
 3 quote, unquote -- when you've got something to  
 4 do, you've got something to do.  
 5 Q. Okay. What other occasions did you  
 6 have to be in M-dorm and open a cell door while  
 7 you were the only officer present?  
 8 A. Okay. Well, I'll give you an  
 9 example. We give showers in M-dorm. I used to  
 10 work at night. At nights, that's what we do.  
 11 We give showers and pass out store on third  
 12 shift. Be one officer upstairs and one officer  
 13 downstairs. Well, the officer downstairs will  
 14 call his door, the officer upstairs will call  
 15 his door.  
 16 Q. There were two officers present in  
 17 M-dorm when one of the cell doors was opened?  
 18 A. But not at the same cell, but it's  
 19 two officers in there, but one's upstairs and  
 20 one's downstairs. See, we're working here,  
 21 see. He's getting the guys on the top, they're  
 22 getting their shower, and I'm getting the guys  
 23 on the bottom.

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1 Q. Well, was there ever another  
 2 occasion when you were the only officer in  
 3 M-dorm, the whole entire dorm, and you opened a  
 4 cell door?  
 5 A. Maybe. I don't remember.  
 6 Q. Well, sitting here today, can you  
 7 remember there ever being another occasion  
 8 where that occurred?  
 9 A. I really can't answer that.  
 10 Q. Because you can't recall any other  
 11 times?  
 12 A. No, not except the time I just told  
 13 you, like when we're giving showers and stuff  
 14 like that.  
 15 Q. And again, there were two officers  
 16 in M-dorm when those doors were opened;  
 17 correct?  
 18 A. That's correct, that's correct, the  
 19 one upstairs and the one downstairs.  
 20 Q. That's not my question. There were  
 21 two officers in M-dorm; correct?  
 22 A. Yeah, that's correct.  
 23 Q. Okay. Do you know of any other

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1 times when another officer would have been by  
 2 himself or herself and had called for a door,  
 3 cell door to be opened in M-block?  
 4 A. Yeah, it happens all the time.  
 5 That's what I'm telling you.  
 6 Q. Give me the names of those officers,  
 7 please.  
 8 A. I can't just go give you names of  
 9 people.  
 10 Q. If you know that it's happened, give  
 11 me their names.  
 12 A. I'm telling you it happened, but --  
 13 Q. I want to know each and every  
 14 officer's name that you're aware of that it has  
 15 happened to.  
 16 A. I don't want to get nobody in  
 17 trouble, you know, by saying people's names and  
 18 stuff.  
 19 Q. Mr. Chapman, you have testified that  
 20 other officers have done this and it is really  
 21 not a big deal, so give me the name of every  
 22 officer that you're aware of that has opened a  
 23 cell door in M-dorm when they were the only

<p style="text-align: right;">133</p> <p>1 officer in that dorm.</p> <p>2 A. I'm telling you it's not uncommon</p> <p>3 for us to do it.</p> <p>4 Q. If it's not uncommon, that means</p> <p>5 it's common; right?</p> <p>6 A. Right, that's what I'm saying.</p> <p>7 Q. All right. If it's common, then</p> <p>8 give me the names of every officer you're aware</p> <p>9 of that has opened a cell door in M-block when</p> <p>10 they're the only officer in that dorm.</p> <p>11 A. Well, it wouldn't really much</p> <p>12 matter, I mean --</p> <p>13 Q. Mr. Chapman, that's for me to</p> <p>14 decide, not you. I want their names.</p> <p>15 A. They don't work here no more.</p> <p>16 Q. Do they have names?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. Give me their names.</p> <p>19 A. My lieutenant, he might do it</p> <p>20 sometimes, Randy Brown.</p> <p>21 Q. Did he or did he not do it?</p> <p>22 A. I said he might would do it</p> <p>23 sometimes.</p>	<p style="text-align: right;">135</p> <p>1 A. Well, it happened to me.</p> <p>2 Q. On November 2nd, 2008 it happened to</p> <p>3 you?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay.</p> <p>6 A. And Mr. Williams opened the door. I</p> <p>7 called the door number and he opened it.</p> <p>8 Q. Okay.</p> <p>9 A. So, I mean, it's not uncommon I'm</p> <p>10 saying.</p> <p>11 Q. We've established that. That's a</p> <p>12 one time incident. Does a one time incident</p> <p>13 make something common?</p> <p>14 A. Put it like this: That may be the</p> <p>15 only time where something drastic happened,</p> <p>16 maybe, I don't know, I mean a fight ensued or</p> <p>17 something, but --</p> <p>18 Q. Mr. Chapman, you testified earlier</p> <p>19 that that's the only time you can recall it</p> <p>20 happening to you, was when you --</p> <p>21 A. It had happened to me, yeah.</p> <p>22 Q. It's the only time you can tell me</p> <p>23 that you were the only officer in M-dorm when a</p>
<p style="text-align: right;">134</p> <p>1 Q. Okay. He might would. I want to</p> <p>2 know the names of the people that you know did</p> <p>3 it, because you said it was common, okay? That</p> <p>4 was your testimony, not mine. If it's common,</p> <p>5 that means you have knowledge that there are</p> <p>6 other jailers who have done this, so give me</p> <p>7 the names of the jailers that you're aware of</p> <p>8 that have done this.</p> <p>9 A. I just gave you a name.</p> <p>10 Q. No, you told me Randy Brown might</p> <p>11 have. Did he or did he not?</p> <p>12 A. I know this has happened before.</p> <p>13 Q. Okay. To who?</p> <p>14 A. I mean, to all of us. I mean, we,</p> <p>15 you know --</p> <p>16 Q. I need names of people that this has</p> <p>17 happened to.</p> <p>18 A. What I'm saying, I know that we've</p> <p>19 opened doors in there before and two officers</p> <p>20 might not be present at all times, just may be</p> <p>21 one officer in there.</p> <p>22 Q. Okay. Tell me when that's happened</p> <p>23 that you're aware of.</p>	<p style="text-align: right;">136</p> <p>1 cell door was opened; is that right?</p> <p>2 A. Yeah, it was something -- where</p> <p>3 something went wrong or something happened,</p> <p>4 that's what I'm saying.</p> <p>5 Q. No, no. Can you tell me a time when</p> <p>6 you were the only officer in M-dorm and called</p> <p>7 for a cell door to be opened and nothing</p> <p>8 happened?</p> <p>9 A. I don't recall.</p> <p>10 Q. Okay. So you can't tell me any</p> <p>11 names of anybody else that was working here</p> <p>12 that would have gone in M-dorm and called for a</p> <p>13 cell to be opened when they were the only</p> <p>14 officer in that dorm?</p> <p>15 A. Well, see, I ain't been working here</p> <p>16 in awhile, so I can only tell about my</p> <p>17 situation, really, you know.</p> <p>18 Q. Okay. So if you can only tell me</p> <p>19 about your situation, you don't have any idea</p> <p>20 whether it happened to any other officer or</p> <p>21 not; correct?</p> <p>22 A. I'll put it like this: I know it's</p> <p>23 something we're not supposed to do, but</p>

<p style="text-align: right;">137</p> <p>1 sometimes it happens, and that's all I'm going 2 to say on that. 3 Q. Okay. You know you're not supposed 4 to do it, and we know on November 2nd, 2008 you 5 did it; correct? 6 A. Yeah, but I didn't open the door, 7 though. I called for the door to be opened. 8 Q. You called for the door to be 9 opened? 10 A. Yeah. 11 Q. Regardless of whether you opened it 12 or not, it happened? 13 A. Right. 14 Q. Okay. That's the only time you can 15 recall that you were in that dorm and the only 16 officer present and called for a door to be 17 opened; correct? 18 A. Yeah, that -- at that particular 19 time, that particular day, yeah. 20 Q. Were there other dates you were in 21 M-dorm and called for a cell door to be opened 22 when you were the only officer present? 23 A. I don't know.</p>	<p style="text-align: right;">139</p> <p>1 opinion, a common occurrence. 2 A. I don't know dates and all that. I 3 can't -- 4 Q. I'm not asking for dates, Mr. 5 Chapman. I'm asking for names. 6 A. I can't remember all the names of 7 people that's done worked here. 8 Q. You haven't given me one name of 9 anybody else this has ever happened to but you 10 on November 2nd, 2008. And if this was a 11 common occurrence, it would seem to me that you 12 would know other people it had happened to. 13 Maybe I'm wrong. But if it's common, tell me 14 the names of these other people that have done 15 this. 16 A. I don't know. 17 Q. Did you ever have a discussion with 18 anybody, any other officer about the fact that 19 this policy was routinely being violated? 20 A. No. 21 Q. Did you ever go to anybody that 22 worked at the sheriff's department and say, 23 "Hey, I know this is up here, but it's really a</p>
<p style="text-align: right;">138</p> <p>1 Q. Okay. Sitting here today, can you 2 tell me of any other officer that did that? 3 A. I don't know. 4 Q. Okay. You testified earlier that 5 this was a common practice. What do you base 6 that on? 7 A. I base it on I just know it's done 8 sometimes, I mean, you know. 9 Q. Okay. You know it was done 10 sometimes based on what? You can't give me the 11 names of anybody it's happened to. We know it 12 happened to you and it happened one time. Now, 13 maybe you and I have a difference of opinion. 14 In your opinion, if something happens one time, 15 does that make it a common occurrence? 16 A. No, it doesn't have to make it a 17 common occurrence. 18 Q. Okay, all right. So it would have 19 to happen more than one time for it to be 20 something that was common? 21 A. Yeah, I guess it would. 22 Q. Okay. So tell me all the other 23 times this happened to make it, in your</p>	<p style="text-align: right;">140</p> <p>1 joke, because we don't follow this policy?" 2 A. No, because I'm not a rat or a 3 snitch. 4 Q. Okay. Are you aware of that policy 5 being violated, other than November 2nd, 2008? 6 A. Maybe. 7 Q. I'm glad to sit here and let you 8 have time to think about it, but if you are 9 aware of any other incident, other than 10 November the 2nd, 2008, when there was an 11 officer present in M-dorm alone and called for 12 a cell door to be opened, now is your chance to 13 tell me. 14 A. I don't know. I don't have any 15 comment on that question. 16 Q. Are you telling me that you are not 17 aware of any other incident, of this ever 18 happening other than November 2nd, 2008? 19 A. Yeah, that's what I'm saying. 20 MS. DOWDY: Okay. I don't have any 21 other questions. 22 23 RE-EXAMINATION BY MR. SAXON:</p>

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1 Q. George, when you look at Defendant's  
 2 Exhibit 2, how do you interpret that? Is it  
 3 that there are to be two officers present at  
 4 the particular cell door that's being opened?  
 5 A. That's the way I interpret it.  
 6 Q. Okay. And you've already testified  
 7 that there have been times when you've been in  
 8 M-dorm and you've been on one floor the only  
 9 officer present at a cell door, and somebody  
 10 else was on another floor the only officer  
 11 present at a cell, and those cell doors were  
 12 opened; right?  
 13 A. Right.  
 14 Q. Okay. So you know it's happened on  
 15 times other than November 2nd and you had  
 16 already told her that; right?  
 17 A. Right, right.  
 18 Q. Okay. Do you think that in casual  
 19 conversation, is it your testimony that you, in  
 20 general, have heard people say they've done the  
 21 same thing; you don't remember who it was?  
 22 A. I wouldn't say it's nothing we talk  
 23 about or brag about amongst ourselves or

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1 nothing, but it's just maybe something that --  
 2 you know, when you're busy sometimes and you're  
 3 working, you don't -- you might not take the  
 4 time to, you know, go with someone or that  
 5 person may be busy and the other person may be  
 6 off doing their thing, you know, and sometimes  
 7 it may just may be busy and we're understaffed.  
 8 We don't have a whole lot of jailers in here no  
 9 way. I mean, sometimes we've worked -- I've  
 10 worked here with four or five people in one  
 11 night, so --  
 12 Q. How many are you supposed to have?  
 13 A. I believe it's supposed to be 15  
 14 officers to each shift, every time a shift  
 15 changes, if I'm not mistaken.  
 16 Q. And you've been here when it's been  
 17 one-third of what it's supposed to have?  
 18 A. Yes.  
 19 Q. Okay. Anybody get terminated for  
 20 that?  
 21 A. Not that I know of.  
 22 MR SAXON: Okay. That's all.  
 23 A. I remember working one particular

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1 night, just four people, myself and three more  
 2 people.  
 3 Q. (By Mr. Saxon) For the whole jail?  
 4 A. For the whole shift, that was it.  
 5 Mind you, two is locked up in the control room,  
 6 one in one control room, the other in the other  
 7 control room, so that means you've only got two  
 8 free people on the floor.  
 9 Q. And how many dorms or pods?  
 10 A. You've got A-dorm, you've got  
 11 B-dorm, you've got C-dorm, you've got D-dorm,  
 12 and then you've got H, you've got G and you've  
 13 got E and you've got F.  
 14 Q. So you were here one night and you  
 15 had two guards for all those dorms, two  
 16 jailers?  
 17 A. Yeah, and M-dorm. And then if  
 18 somebody got brought in, booking, you got to  
 19 cover booking too.  
 20 Q. And if they were brought in, would  
 21 they ultimately be put in a cell?  
 22 A. They would be put in holding in  
 23 booking until somebody could book them in.

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1 Q. And the cell door would have to be  
 2 open to put them in it?  
 3 A. Yeah.  
 4 MR. SAXON: Okay.  
 5  
 6 RE-EXAMINATION BY MS. DOWDY:  
 7 Q. Could you read Exhibit 2 for me,  
 8 please?  
 9 A. "There are to be two officers  
 10 present at all times when opening cell doors in  
 11 M-dorm, no exceptions."  
 12 Q. Okay. And if it was your  
 13 understanding that you had to be both present  
 14 at the door, then you're telling me, testifying  
 15 today that y'all regularly -- you regularly  
 16 violated this policy?  
 17 A. What are you saying? I regularly  
 18 violated the policy?  
 19 Q. Uh-huh, yes.  
 20 A. No, I'm not telling you that.  
 21 Q. Well, you testified, when your  
 22 attorney asked you about it, that you were  
 23 supposed to both be present at the same -- at

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1 the door when the cell was opened?

2 A. Yeah.

3 Q. When that door was opened, your

4 understanding is you're supposed to both be

5 standing there?

6 A. Right.

7 Q. And sometimes you would be

8 downstairs and sometimes the other officer

9 would be upstairs?

10 A. Yeah, that's not uncommon when we're

11 giving showers.

12 Q. Then you were regularly violating

13 the policy as you understood it; correct?

14 A. Well, I mean, I -- I guess. I don't

15 know how he really intended for it to -- how

16 Mr. McCluskey intended for it to, you know,

17 read. I mean, I'm reading that, but it

18 elaborates no further than this. You know what

19 I'm saying? Do you understand me?

20 Q. You just testified that your

21 understanding was that you were both supposed

22 to be standing at the door. You also testified

23 earlier that sometimes you would be at one door

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1 and another officer would be on another floor,

2 at a different door?

3 A. Right, right, the one upstairs and

4 the one downstairs.

5 Q. But if your understanding was that

6 you were both supposed to be standing at that

7 one door, then that was a violation of policy

8 when y'all were doing it that way, wasn't it?

9 A. Well, I guess it was.

10 Q. Okay.

11 A. I mean, hey, we're trying to --

12 we're trying to get things done here. We ain't

13 got all day and all night. You know, we've got

14 stuff to do. He (indicating) knows that.

15 These inmates want their shower, they want

16 their breakfast, they want their lunch, they

17 want their dinner, they want, they want, they

18 want. They want cigarettes too, but I never

19 brought them any.

20 Q. Sitting here today, Mr. Chapman, do

21 you have any idea why you were terminated?

22 A. No.

23 MS. DOWDY: Okay. I have nothing

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1 further.

2 A. I really don't, because this paper

3 really don't tell -- go into detail in

4 explaining why, never makes any mention of a

5 baton or anything.

6

7 RE-EXAMINATION BY MR. SAXON:

8 Q. Separate and apart, though, from

9 what's on Defendant's Exhibit 3 or what you

10 were told at the time you were terminated, is

11 it your testimony that you believe it had to do

12 with your race, being African-American, and the

13 fact that you had complained to Mr. McCluskey

14 about how Paula Richardson was being treated?

15 A. Yes, sir.

16 Q. Okay.

17 A. Because before all this, Mr.

18 McCluskey was fine with me. He would see me

19 sometimes, "Doing a good job, buddy,"

20 (indicating).

21 Q. You mean before the Paula Richardson

22 incident?

23 A. Yeah, yeah, pat me on the back,

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1 shake my hand, "You're doing a good job,

2 buddy." And after me and him even talked on

3 the telephone, he walked down the hall one day

4 and I was coming up the hall, and he shook my

5 hand and smiled at me and I thought everything

6 was all right. I didn't know nothing, you

7 know, was going to transpire or nothing. But

8 the next few days, bam, fight with an inmate.

9 I'm gone by Friday. The fight happened Sunday.

10 I'm fired Friday.

11 MR. SAXON: That's all I've got.

12

13 RE-EXAMINATION BY MS. DOWDY:

14 Q. You don't think that the reason you

15 were fired is because you hit an inmate four

16 times with a baton after he was being tased and

17 was still hooked up to the probes?

18 A. Where did you get that, that he was

19 still hooked up to the probes? I never seen

20 him still hooked up to the probes.

21 Q. You did testify to that earlier, Mr.

22 Chapman, but I also have it from the records

23 and from Nurse Goldman's notes -- Nurse Gold's

<p>149</p> <p>1 notes.</p> <p>2 A. He was still trying to fight,</p> <p>3 though. I also told you that too.</p> <p>4 Q. You don't think that had anything to</p> <p>5 do with the fact -- do you think that had</p> <p>6 something to do with the fact that you were</p> <p>7 fired?</p> <p>8 A. I don't know. This paper doesn't</p> <p>9 make no reference to a baton or anything. I</p> <p>10 told you what I was told, what Mr. Tirey told</p> <p>11 me. His complete words to me was, "I fired you</p> <p>12 because Mr. McCluskey said you were going to be</p> <p>13 a problem and that I needed to get rid of you."</p> <p>14 So he said, "That's the jail administrator."</p> <p>15 He told me he had to take the word of his jail</p> <p>16 administrator, so bye-bye George.</p> <p>17 MS. DOWDY: I don't have anything</p> <p>18 else.</p> <p>19 MR. SAXON: Okay. That's it.</p> <p>20</p> <p>21 FURTHER THE DEPONENT SAITH NOT</p> <p>22</p> <p>23</p>	
<p>150</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA</p> <p>4 COUNTY OF JEFFERSON</p> <p>5 I hereby certify that the above and</p> <p>6 foregoing deposition was taken down by me in</p> <p>7 stenotype, and the questions and answers</p> <p>8 thereto were transcribed by means of</p> <p>9 computer-aided transcription, and that the</p> <p>10 foregoing represents a true and correct</p> <p>11 transcript of the testimony given by said</p> <p>12 witness upon said hearing.</p> <p>13 I further certify that I am neither of</p> <p>14 counsel, nor of kin to the parties in the action,</p> <p>15 nor am I in anywise interested in the result of</p> <p>16 said cause.</p> <p>17</p> <p>18 /s/ Scott Wilmeth</p> <p>19</p> <p>20 Scott Wilmeth, CCR, RPR</p> <p>21 CCR #392, Expires 9/30/11</p> <p>22 Commissioner for the</p> <p>23 State of Alabama at Large</p>	



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Witness: George Chapman, Jr.

May 11, 2011

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*Civil Service Board  
of Walker County*

Post Office Box 493  
Jasper, Alabama 35502-0493  
Telephone: (205) 384-7248

September 25, 2008

Mr. George Chapman, Jr.  
505 30<sup>th</sup> Street  
Jasper, AL 35501

Dear Mr. Chapman:

New Employee

The employee that has vacated the position you now hold or will hold has a probationary period of six (6) months in his/her new position. If this employee doesn't succeed in the new position he/she can be rolled back.

In the event that this happens you may be terminated within your probationary period of six (6) months.

Reference: Walker County Civil Service Rule Book  
Rule 4, Section 3, Number 6 & 7, Page 4

(Board has not approved your hiring; Board will meet again on October 20, 2008)

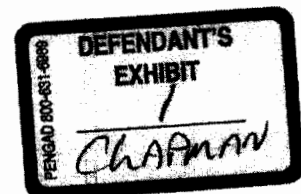
If you have any questions, please let us know.

Sincerely,

*Sharon Tucker*

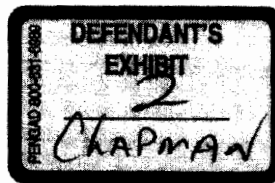
Sharon Tucker  
Walker County Civil Service Board  
Andrew Archie, Chairman

AA/st



There are to be two officers  
present at all times when  
opening cell doors in  
m-dorm, no exceptions!

per 104







Walker County  
**Office of Sheriff**  
Telephone 205/302-6464

John Mark Tirey  
Sheriff

2001 2nd Avenue  
Jasper, AL 35501

November 7, 2008

Mr. George Chapman  
Walker County Jail  
2001 Second Avenue  
Jasper, Alabama 35501

Dear Mr. Chapman,

As you are aware you are a probationary employee. This probationary period extends for a period of six (6) months. It is with regret that I must inform you that your work performance is unsatisfactory at the Walker County Jail.

I must inform you that your position as a jailer at the Walker County Jail is hereby terminated effective Friday, November 7, 2008.

Sincerely,

A handwritten signature in cursive script that reads "John Mark Tirey".

John Mark Tirey,  
Sheriff

cc: Walker County Commission  
Civil Service Board of Walker County  
Jail Administrator Trent McCluskey

